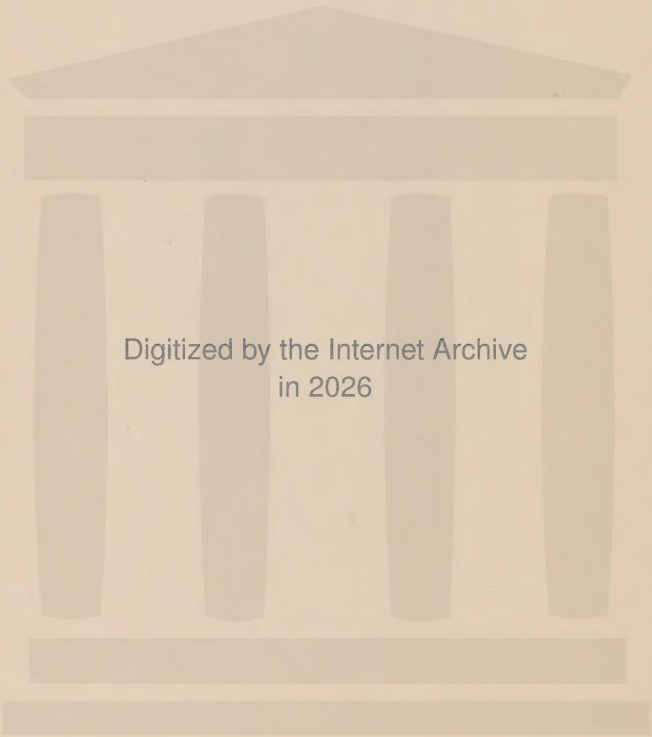
THE LEAGUE *of* NATIONS

A CHAPTER IN WORLD POLITICS

JOHN SPENCER BASSETT

Reviewed –
Current History

·LIBRARY·OF·
·FRANKLIN & MARSHALL·
·COLLEGE·
WITHDRAWN


Digitized by the Internet Archive
in 2026

https://archive.org/details/leagueofnationsc0000john_u7t0

THE LEAGUE OF NATIONS
A CHAPTER IN WORLD POLITICS

LONGMANS, GREEN AND CO.
55 FIFTH AVENUE, NEW YORK
221 EAST 20TH STREET, CHICAGO
TREMONT TEMPLE, BOSTON
210 VICTORIA STREET, TORONTO

LONGMANS, GREEN AND CO. LTD.
39 PATERNOSTER ROW, E C 4, LONDON
53 NICOL ROAD, BOMBAY
6 OLD COURT HOUSE STREET, CALCUTTA
167 MOUNT ROAD, MADRAS

THE LEAGUE OF NATIONS

A CHAPTER IN WORLD POLITICS

BY

JOHN SPENCER BASSETT, PH.D., LL.D.

Late Professor of American History at Smith College

AUTHOR OF "LIFE OF ANDREW JACKSON," "THE LOST FRUITS OF WATERLOO," "EXPANSION AND REFORM," "THE MIDDLE GROUP OF AMERICAN HISTORIANS," "THE FEDERALIST SYSTEM," ETC.

LONGMANS, GREEN AND CO.

NEW YORK · LONDON · TORONTO

1928

171612

BASSETT
THE LEAGUE OF NATIONS

COPYRIGHT · 1928
BY LONGMANS, GREEN AND CO.

FIRST EDITION

JX
1975
B36

MADE IN THE UNITED STATES OF AMERICA

FOREWORD

By JAMES T. SHOTWELL

THE pages which follow were the last to come from the pen of one who for a whole generation had held his place among the first of American historians. This volume although it explores another field, bears witness to the qualities of scholarship, the sobriety of judgment and the directness of vision which made Professor Bassett's interpretations of American history so notable a contribution to the understanding of our own national characteristics and development. The objectivity of the true historian is evident in every part of the narrative, a detachment from the prejudices in which events tend to become enveloped or out of which they are born; but no detachment of interest in the human drama in which the issues of national and international ideals are played against each other. The story is kept with even keel in the confusion of passionate controversies, without for a moment surrendering the author's right of individual judgment or even his free expression of sympathy with those achievements of experimental statesmanship which erected the League of Nations and the less creative but fundamental contributions of those other men who directed its destinies in the early years. Scholarly and interpretative in the style familiar in his other work, Professor Bassett has in these pages shown how the very restraints imposed by the his-

torical disciplines may further international understanding. The search for truth is not without its practical consequences; and they are likely to be all the greater in proportion as the researcher refuses to allow his judgment to be influenced concerning the events themselves. These are time-worn adages in the historical seminar; although they are not always adhered to by the masters of those seminars in their own writings.

But to his colleagues in the guild of American historians this volume will mean much more than a historical narrative, however distinct its achievement in the new field of international history. The sudden and tragic death of its author will lend a personal, and to many of us a poignant interest in this last work of Professor Bassett. The obligation laid upon the writer of this foreword to add the last and only unfinished paragraphs, in place of a missing preface, brings to mind the fact that there was another ideal than that of mere scholarship which explains the penetrating quality of Professor Bassett's interpretation of history; it was the ideal—or the gift—of friendship. A kindly interest which was not to be imposed upon, a willingness to make allowances for imperfections so long as they were not those of hypocrisy, and a quick and eager acceptance of like-minded comradeship in the quest for the honest and sincere, this was a quality which turned mere scholarship into genuine history, and made of the life work of Professor Bassett a major contribution to that greatest of all problems in American education, the acquisition of the open mind.

CONTENTS

CHAPTER PAGE

I. THE NATURE AND GOVERNMENT OF THE LEAGUE 1

1. Making the Covenant—2. The League's Administrative Machinery—3. The Permanent Court of International Justice—4. The Prevention of War—5. The Development of Internationalism—6. The League as an International Administrative Agent

II. THE LEAGUE OF NATIONS STARTS 28

1. The First Session of the Council—2. The Council at Work—3. Some Problems before the Council—4. The Plebiscite in Eupen and Malmedy—5. The Council and the Assembly

III. THE AALAND ISLANDS CONTROVERSY . . . 52

1. Origin of the Controversy—2. The Appeal to the League—3. Threshing it out with M. Branting

IV. THE POLISH-LITHUANIAN CONTROVERSY . . 69

1. The Question of Boundaries—2. An Appeal to the League of Nations—3. The Coup d'État of General Zeligowski—4. Plebiscite or No Plebiscite?—5. The Futile Conference at Brussels—6. The Acquisition of Memel

V. THE FIRST ASSEMBLY 91

1. Organizing the Assembly—2. Report of the Secretary-General on the Work of the Council—3. The Assembly and the Council—4. The Admission of New States—5. The Assembly and the Statute of the Permanent Court—6. Work of the First Assembly

VI. UPPER SILESIA AND ALBANIA 110

1. The Upper Silesian Plebiscite—2. In the Hands of the League—3. Albania Recognized as a Nation

VII. THE DISCONTENT IN THE SECOND ASSEMBLY . 131

1. The Spirit of Discontent—2. Balfour and Bourgeois to the Rescue—3. The Attack on the Secretariat—4. Amendments to the Covenant—5. Significance of the Second Assembly

CHAPTER PAGE

VIII. THREATENED ABSORPTION BY EUROPEAN POLITICS 151

1. The Political Situation in Europe, 1919–1923—2. Reparations—3. Poincaré versus Briand—4. Gloom in the Third Assembly—5. The Ruhr and the Dawes Plan

IX. ADMINISTERING THE SAAR VALLEY AND AUSTRIAN FINANCES 172

1. The Problem in the Saar—2. Hopes of the French—3. The Investigation of 1923—4. Later History of the Saar—5. Distress and Humiliation in Austria—6. In the Hands of the League

X. THE CORFU CONTROVERSY 201

1. Origin of the Incident—2. Before Council and Conference—3. The League's Power to Cite Delinquents—4. The Verdict of the Ambassadors—5. An Attempt to Define the League's Powers—6. The Græco-Bulgarian Dispute

XI. THE GENEVA PROTOCOL 225

1. Disarmament—2. The Draft Treaty of Mutual Guarantee of 1922—3. The Draft Treaty of Mutual Assistance of 1923—4. The Attack on Article 10—5. The Approach to the Protocol—6. The Protocol and the Covenant—7. Failure of the Geneva Protocol

XII. LOCARNO 248

1. The Good that Lives After—2. Germany's Early Relations with the League—3. Stresemann's Suggested "Security Pact"—4. Forming Opinion for a "Security Pact"—5. At Locarno—6. Locarno before the World

XIII. THE BOUNDARIES OF IRAQ AND TURKEY . . 277

1. Origin of the Dispute—2. The Issue before the League—3. Work of the Iraq Commission—4. The Report of the Iraq Commission—5. The Arguments before the Council—6. The Turks as Obstructionists—7. The Judgment

XIV. GERMANY JOINS THE LEAGUE 300

1. The Application for Membership—2. The Permanent Seats in the Council—3. The Outburst of Public Opinion—4. Preparing for Geneva—5. The Locarno Junta—6. Sweden's Sacrifice—7. A Chastened Assembly—8. Reforming the Council—9. The Seventh Assembly—10. The Spirit of Thoiry

XV. THE UNITED STATES AND THE LEAGUE OF NATIONS 336

1. Fearsome Aloofness—2. The Unofficial Observers—3. Cooperating in Opium Control—4. The Traffic in Arms and

CHAPTER PAGE

Munitions—5. The Permanent Court and Public Opinion—6. Unofficial Aid to the League

XVI. At the End of Seven Years 366

1. The League at Work—2. The Power of the League—3. The League and the Castlereagh Plan—4. The Course Ahead

Bibliography 389

Index 401

THE LEAGUE OF NATIONS
A CHAPTER IN WORLD POLITICS

THE LEAGUE OF NATIONS
A CHAPTER IN WORLD POLITICS

CHAPTER I

THE NATURE AND GOVERNMENT OF THE LEAGUE

1. *Making the Covenant*

THE Covenant of the League of Nations was prepared under unusual and difficult conditions. The world was still too highly excited by the war to consider any problem touching the future with calm and balanced reasonableness. Wisdom was especially needed in giving shape to the project, for the thing proposed was essentially new and without effective precedent. The only co-operative scheme among nations within modern times that bore a resemblance to it was the combination of newly liberated American States into federal unions, notably the United States of America, but in such cases there were wide differences in the conditions, so that little that was effective could be derived from these precedents. The covenant makers in Paris in 1919 were forced to depend on their own judgments and their estimates of the probabilities of the

future. They made the Covenant with fear and hope.

Their work was done under the shadow of the peace-making of Europe. Absorbed in that more immediate task, the Paris Conference as a whole gave little thought to the terms of the Covenant: perhaps the majority of its members did not think it worth while to bother with them. One group thought the League would prove a futility: another was so anxious to get any kind of League that they would not quibble over details. It thus happened that the Covenant was prepared in an academic way and adopted by the Conference without serious debate. In no stage of the process did it have the benefit of criticisms by a clear-headed opposition.

The Covenant was prepared by a Commission created by the Conference of which President Wilson was Chairman: but he did not write the Covenant. The members of the Commission, among whom were such experienced men as Léon Bourgeois, of France, General Smuts, of South Africa, and Lord Robert Cecil, of Great Britain, gave careful consideration to its terms, and the result was a well considered, if somewhat theoretical, document. Wilson is spoken of as the "Founder of the League of Nations." The assertion is true only in the sense that more than anyone else he raised up the idea that there must be a League and forced its acceptance on the "Big Four," so that the Covenant became part of the treaties made by the victorious Entente powers with Germany, Austria, Hungary, and Bulgaria. Without his action the League as a league would not, in all probability, have come into existence. As to his work on the Commission that made the Covenant, it was constant and effi-

cient, but not dominant. He attended the sessions of the Council of Ten and of the "Big Four" during the day: in the evening, instead of resting, as the other three did, he worked with the Commission until night was far advanced. This double task, performed with intensity of feeling, is believed to have laid the foundation of that physical collapse that was later on to prove so disastrous to the adoption of the Covenant.

Prepared as we have seen, the Covenant was not a perfect plan, and some of its features do not stand the test of experience. This is particularly true of the division of lawmaking authority between the Assembly and the Council, due largely to the fact that in a general way the Covenant gives each body exactly the same powers. Moreover, it was written in the belief that a new and distinct political entity was being created, with authority resting upon a mounting international public opinion in favor of peace. Perhaps its authors did not realize that some of the authority gained by the League would be subtracted from the individual states. Certainly there would come a time when the public opinion in support of peace would have to measure strength with the old love of people for their own States. The Covenant makers could not deal with such a question. They built the League according to their light and power for present actual use.

The purposes for which the League was created were summarized by the authors of the Covenant and placed at its head in the following awkwardly constructed sentence:

"The High Contracting Parties, in order to promote international co-operation and to achieve international peace and security by the

acceptance of obligations not to resort to war: by the prescription of open, just, and honourable relations between nations: by the firm establishment of the understandings of international law as the actual rule of conduct among Governments: and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this Covenant of the League of Nations."

These words express high ideals and despite their manner of expression they give dignity to the document which they introduce.

2. *The League's Administrative Machinery*

This chapter is no place for a full description of the constitution of the League: but the reader will need to know some of the important features of that system. They are not numerous nor intricate. They deal directly with the obvious phases of administration, as membership in the League, and the machinery for realizing its aims. This machinery may be described as executive, legislative, and judicial, although it will have to be remembered that these phases are not always distinct one from the other. The executive and law-making functions are, in fact, well mixed as between the Assembly and the Council, and executive functions are assigned to each of these bodies and to the Secretariat as well. Undoubtedly this intermingling produces confusion in some respects, but it also has some compensating advantages, as we shall see as we proceed.

Membership in the League is open to the states designated in the Covenant and to any fully self-governing state, dominion or colony, "if its admission is approved by two-thirds of the Assembly of the League." Such

a state must "give effective guarantees of its sincere intention to observe international obligations," and, like other states in the League, it must accept the rules of the League relating to "its military, naval, and air forces and armaments." As to what is to constitute an "effective guarantee" of sincerity on the part of a state admitted to membership, the Covenant is silent, and no steps have been taken since the League was formed, to elucidate the point. It has seemed to be a useless point, because in the early stage of its existence, the League was so glad to get another member that it did not quibble about actual securities to be given. It is not likely that the League will feel like taking a strong position on this subject while important states are still not members, and if all such states join the League, there would be no point in giving the rule a strict interpretation.

Of the thirty-two States represented at the Peace Conference all but three—the United States of America, Ecuador, and Hedjaz—joined the League, and thirteen others who were invited accepted the invitation: so that by the end of July 1920, the League had forty-two members.[1] Since that time other States have been admitted so that with the accession of Germany in September, 1926, the membership is fifty-six.[2] No state

[1] They are: Argentina, Belgium, Bolivia, Brazil, the British Empire (with the following British Dominions, Australia, Canada, India, New Zealand, and South Africa), Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Jugoslavia, Liberia, Netherlands, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Rumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, and Venezuela.

[2] They are: Albania, Austria, Bulgaria, Costa Rica, Finland, Luxemburg, Esthonia, Latvia, Lithuania, Hungary, Abyssinia (Ethiopia), the Irish Free State, Santo Domingo and Germany.

The first joined in 1920, the next three in 1921, Hungary in 1922, Abyssinia and the Irish Free State in 1923, Santo Domingo in 1924, and Germany in 1926.

but Costa Rica has withdrawn, but in 1920 Argentina withdrew from the Assembly, though she subsequently resumed her contributions to the support of the League. In 1926 Spain and Brazil gave notice of withdrawal from the League. By the Covenant it will be two years from that date before withdrawal can actually take place. The most important states still out of the League are the United States of America, Russia, Turkey, Egypt and Mexico.

The first Assembly of the League, 1920, decided that to be admitted to membership a state must be recognized as a state *de jure* or *de facto* by other states of standing, have a stable government and definite frontiers, be self-governing, abide by its international obligations, and observe the spirit of the League with reference to disarmament. It refused admission to certain states, as Monaco, on the ground that they were of insignificant size. As a concession to Switzerland's long recognized neutrality, the Council of the League has accepted the principle of the perpetual neutrality of the Swiss Republic.

The Assembly contains representatives from each member state. It is called by the secretary-general of the League and meets in regular session on the first Monday in each September. It may also meet at a time fixed by itself at a previous meeting, or when called by the Council by a majority vote. Each state has one vote. It may send not more than three representatives to the Assembly, but it can appoint alternates to these and send experts to advise the representatives. By this means the "delegation" of a State at an Assembly may

be a considerable body. In practice the representatives on the Council are also members of the Assembly.

In general the Assembly is the lawmaking body of the League, and its ordinary acts do not have to be ratified by the Council. But each body has the right to discuss and investigate any matter under the jurisdiction of the League not specifically committed to the other. This arrangement, under the present procedure, does not threaten harmony between the Council and Assembly, for it is the habit to conduct the business with the view that each state in the League must be treated with full respect as to its sovereignty. The proceedings in each body are apt to be conducted in the spirit of diplomatic negotiations, and the majority is fearful of seeming to put pressure on the minority, which might have a disrupting influence on the League. The requirement that for most matters the decision in each body shall be unanimous, tends to preserve this respect of each body for the will of the other.

When the Covenant was given to the public it was thought that the Council, because it would represent the five leading states, would prove more powerful than the Assembly. The developments of the first seven years do not confirm this view. In fact, through the first five years of the League's existence, the Assembly seemed to be the controlling body. It derived its strength from the broad basis of its representation, from its control over the budget, from its function of choosing the non-permanent members of the Council and from its habit in its annual meetings of receiving and discussing a report on the proceedings of the Coun-

cil during the previous year. Out of these facts the impression became widespread that the true League spirit resided in the Assembly and that it was to that body that the world must look for a check on the selfishness of a Council ruled by certain great States. The events of March, 1926, gave a blow to this theory. Through the activity of leading spirits in the Council that body took, as we shall see later on, a strong place in the League, so that it seemed to give the League a new character.[1]

When the Assembly meets it first elects its own President and six Vice-Presidents, selecting the six, if possible, with reference to their geographical or cultural differences.[2] It then takes up the report on the activities of the Council since the preceding meeting of the Assembly, using the occasion to challenge sharply the conduct of the other house. Although it can reverse few things so done, its open discussion of them proves a valuable appeal to public opinion. An important fact in this connection, however, is that the members of the Council and the members of the Assembly are appointed by the same powers. The tendency is for foreign ministers to sit in the Council: they also sit at the heads of their delegations in the Assembly and perhaps name the other members of the said delegations. The debate, therefore, tends to lie between the states represented in the Council and those not so represented. It is, however, a world debate and as such it has a wide influence on world opinion.

[1] See below, chapters XIV and XVI, section 2.

[2] These Vice-Presidents with the heads of the six chief Committees form the Bureau, a kind of chief directing board.

The business of the Assembly is referred to large standing Committees, where it is discussed fully. When reported to the plenary session of the Assembly it is put on its passage, explained by a member of the Committee to whom it has been entrusted, and accepted or rejected by the whole body. The proceedings in the Committees and in the Assembly are public, i. e. to the press and to such others as can be accommodated in the meeting place. The official languages are English and French, but a member may speak in any language if he furnishes a translation. It results that speeches are delivered in one language, followed by translations read from the platform. This tedious process does not encourage patient attention by the audience.

The Council was designed to have five permanent and four non-permanent members. The refusal of the United States to enter the League fixed the number of permanent members at four, but the admission of Germany, 1926, with a permanent seat, raised it again to five. In 1922 the Assembly increased the number of non-permanent members to six, and in 1926 to nine. The exercise of this power by the Assembly together with the fact that the Assembly has the election of the non-permanent members is supposed to give the Assembly much power over the Council. In reality the Council cannot be enlarged indefinitely, and whoever is on the Council is likely to take a council point of view.

At first the Council met frequently—eleven times in 1920 and five in 1921; but in 1923 it adopted the principle of holding four regular meetings a year with special meetings when necessary. Each state has one

vote in the Council. Non-member states, when specially interested in the proceedings, by invitation send representatives to Council meetings, and at one meeting, August-September, 1923, thirteen non-member States had representatives in attendance. Also, the Director of the International Labor Office and heads of committees and others are invited to attend when matters connected with labor are under consideration.

The Council has its own President, who is the representative of the state within which the Council is meeting at the time in question. When the meeting is held in Geneva, the President is the representative of states taken in rotation alphabetically. In ordinary matters the vote of the Council must be unanimous, but this rule does not apply to questions of procedure, disputes between members of the League, and a few other things, as, for example, the amendment of the clauses in the Peace Treaties relating to Minorities. By Minorities are meant those racial elements of a State's population who do not constitute a majority of its inhabitants. The meetings of the Council were originally mostly private but a demand for publicity existed from the first and it has been followed by an increasing opening of the meetings to the press. There is a firm demand that all the proceedings of the League shall be known to the world.

The Covenant says: "The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world." This is a wide grant of power, but it loses some of its emphasis through the fact that the Covenant defines the

authority of the Assembly in exactly the same words.

The Covenant assigns many specific duties to the Council. Of its twenty-six articles sixteen mention things which involve in some way action by the Council. It is evident that the makers of that instrument considered the Council a kind of deliberative executive to which were referred many matters of business that could not wait on the slower action of the Assembly. Especially large are its powers in the proceedings by which the League acts to avert a threatened war. In all international disputes referred to the League it is the body that conducts intervention, directs investigations, and in the end approves arbitral decisions. Besides these duties it supervises the work of the many technical and humanitarian commissions and committees that have been set up by the League of Nations.

The more technical execution of the decisions of the Assembly and the Council falls on the Secretary-General, and the corps of assistants he has gathered around him at Geneva. The group is the inspiration and the guide of many committees charged with some duty by the Assembly or Council. It gathers and arranges information when information is demanded, furnishes expert knowledge when it is called for, points out practical difficulties, and serves all who act for the League as a constant reminder of the aims and necessary limitations of the work. To the practical wisdom of Sir James Eric Drummond, the Secretary-General, and his assistants the League of Nations is largely indebted for the success it has attained among the nations of the world.

3. *The Permanent Court of International Justice*

The judicial function in the League is committed to the Permanent Court of International Justice. Its creation was provided for in the Covenant, and the second meeting of the Council, February 2, 1920, proceeded to put it into execution. A committee of eminent jurists was created charged to prepare a scheme for the organization and operation of the court. The report of these jurists was approved by the First Assembly of the League, December 13, 1920; and its ratification by a majority of the states in the League, achieved in September, 1921, gave it the standing of a Statute of the League. It will be observed that the only part the Council had in this process was to set it in motion. The Court plan was created by the Committee of Jurists, and amended by the Assembly, but it derived its authority through ratification by sovereign states.[1]

As constituted the Court consists of eleven judges and four deputy judges, or substitutes, elected by the Council and Assembly; but the number of judges may by the same body be enlarged to fifteen judges and six deputies. They are chosen with slight regard to nationality from the jurists of the highest standing. Each holds office for nine years and if his place becomes vacant his successor holds through the unexpired portion of his term. The Court selects its President and Vice-President, each holding office for three years. It

[1] For the procedure establishing the Court, see below, pp. 104–107. For its proposed acceptance by the United States, see pp. 360–363.

sits at The Hague and its first term began on January 30, 1922.

The jurisdiction of the Permanent Court is of two kinds, "voluntary" and "compulsory." It is "voluntary" when two states, having a dispute which they cannot settle, agree to refer it to the Court. In such a case each side presents its cause to the Court, which calls for evidence, hears arguments in public sessions, and renders its decision after deliberating in private. Its "compulsory" jurisdiction arises when states in treaties duly made have agreed to submit to the Court differences arising under such treaties, or when states have signed the "Optional Clause" attached to the protocol adopting the Statute of the Court. This Clause pledges the States accepting it to hold "as compulsory, *ipso facto* and without special Convention," the jurisdiction of the Court in matters relating to the breaking of treaties, and the infraction of international law and international obligations.[1] In cases of "compulsory" jurisdiction one state can summon another to appear before the Court for trial and if the state so summoned fails to respond the Court can give judgment by default. Here, as in "voluntary" jurisdiction, the Court views written statements from each side, hears evidence and arguments in public sessions, and deliberates in private. In the Peace Treaties made at the end of the World War are mentioned some specific cases which must be referred to the Court.

It is also the function of the Permanent Court to give advisory opinions at the request of the Council or the

[1] Forty-seven states had signed the protocol and accepted the Optional Clause by the end of 1926.

Assembly. In such a case it takes steps to obtain all the significant facts that each can offer and to give due consideration to the terms of treaties affected and to the rules of international law that are pertinent. Complaint has been made against the use of the Court by the League in giving advisory opinions. It is claimed that the real function of the Court is to decide cases between States, whereas advisory opinions partake of the nature of international politics. On the other hand, it must be admitted that many disputes have been settled in this way, which, so far as we can see, would not have been so well disposed of without the aid of the Court.

So far the advisory opinions of the Court have been received with respect by the states concerned. They include many kinds of disputes. The first rendered was in a case involving the appointment of delegates to the International Labor Conference provided for by the Treaty of Versailles. Another concerned the right of France under international law to compel British residents in Tunis and French Morocco to do military service. Another arose under an interpretation of the authority of the League of Nations over German Minorities in Poland. Still another interpreted the decision of the Council of Ambassadors, set up by the principal allied Powers, in reference to the frontier between Poland and Czechoslovakia. No other existing tribunal could have disposed of matters like these with equal facility and satisfaction to all parties. In each case the controversy had reached the point where each side wished it settled but neither would yield to the other. The decision of a body of learned neutral

jurists was in general welcomed as a means of closing honorably an irritating dispute.

When the Permanent Court was created an older body, "The Hague Court of Arbitration," created by the Hague Convention of 1899, was also in existence and still continues to live. But the older organization was not a court to try cases. It is in the main a list of the names of one hundred and thirty-two distinguished jurists from which any states desiring to settle a dispute by arbitration can select the arbitrators. It was never a court in the proper sense of the word, and it has had no regular sessions. On the other hand the Permanent Court is essentially a court; it has regular sessions, and its judges are normally in attendance.

4. *The Prevention of War*

The prevention of war was the chief object for which the League of Nations was created and the Covenant witnesses the efforts of its makers to construct the machinery for realizing this object. Not only did the Covenant contain directions for substituting fair examination and decision for direct action by parties to a conflict, but it also undertook to deal with things which are the indirect causes of war, as the treatment of minorities and the reduction of armies and armaments. The League thus assumed a large task; for it seemed fairly certain that some nation would always be found to cling to the old ideas, and it was a question if any such steps should be attempted without the unanimous support of the Powers.

Fundamentally, any threat of war, whatever nation was concerned, was declared "a concern of the whole League" and the League was to meet it by taking "any action that may be deemed wise and effectual to safeguard the peace of nations." If such an emergency occurred the Council should meet at once; and each member of the League should have the friendly right to bring before the Council any situation that threatened to impair peace between the nations. The members also agreed to submit to arbitration, or to inquiry by the Council their own disputes that were likely to lead to a rupture. By a later amendment a third method, a settlement by the Permanent Court, was added. The members further agreed to "carry out in full good faith" the decisions of arbitrators or of the Permanent Court, and they declared that they would not make war against any member complying with such an award or decision. If a member refused to accept such an award or decision the Council was to decide on the steps to be taken.

If a member of the League defied the decision of arbiter, Court, or Council and went to war it should *ipso facto* be considered to have committed an act of war against all the other members of the League. If it continued defiant the other members agreed to subject it to a strict economic blockade severing the trade relations of their own subjects with it. The Council could also suggest to the member states the military measures they should take against the recalcitrant state. These strong measures, if carried out, would make it difficult for any state to wage a successful war; and in pledging themselves to carry them out the member states

went as far as they well could be expected to go in putting an end to a wanton war.

The measures adopted to forestall the development of the war spirit were of several kinds. First of all was Article X by which the members of the League undertook "to respect and preserve as against external aggression the territorial integrity, and existing political independence of all members of the League." This clause, about which centred much controversy, was intended as a warning to states contemplating acts of territorial aggression. It offered, also, a strong inducement to other states, especially those that were weak, to join the League. When at a later time Article X seemed about to be stricken out of the Covenant it was saved by the veto of Persia, a weak state, on the ground that it guaranteed the safety of small states.

Another indirect means of averting war was disarmament, to promote which the Covenant gave its authority. To many people this term meant the dispersion of the large armies and the enlargement of the police force. But the Covenant did not warrant such a hope. It contemplated nothing more than the reduction of armies "to the lowest point consistent with national safety and the enforcement by common action of international obligations." Under these terms a member of the League may have a very considerable army without breaking the Covenant. And it is for the state itself to determine how large a force it needs to perform its obligations and protect its government from internal danger.

The Covenant provides that the Council shall make plans for reducing armies and submit them to the mem-

ber states for consideration; but when adopted by such states they must not be violated without the approval of the Council. It is also gives the Council authority to take steps for preventing or limiting the private manufacture of war munitions, "due regard being had" to member states that are not able to make the supplies necessary to their own safety. To execute this provision the Covenant authorizes the creation by the Council of a Permanent Advisory Commission on Armaments and directs that it shall have control of "military, naval, and air questions" in general. As we shall see later on, the Council in carrying out this injunction placed defence experts on this Commission, men who were not interested in reducing armaments, and the Assembly created the Temporary Mixed Commission to deal with non-technical matters and placed on it men with an interest in reduction.[1]

Still another precaution against war was in the effort of the Covenant makers to obtain a fair administration of minorities. In the course of time many weak racial groups in one way or another have become incorporated in other states thus constituting a minor but distinct element of the population who cherish their own racial ideals, speech, or religion. Before the World War the creation of minorities was a natural consequence of war: and it had been the habit to submit them to efforts of amalgamation, efforts leading to resistance and engendering much bad feeling. It was out of such a situation that "the Crime of Serajevo" came in 1914, bringing the World War with it.

In 1914, Austria, Germany, and Russia were the three

[1] See below, p. 226.

nations who had absorbed most of these minorities. The conquest of the first and second, the internal throes of the third, together with the exclusion of Turkey from Europe and the shifting of Balkan boundaries made it inevitable that a new crop of minorities would spring up. To meet this situation clauses were put into the various peace treaties guaranteeing to the minorities the use of their own languages in their own schools and the exercise of political and religious liberty.[1] The execution of these promises was by the peace treaties given to the League of Nations, and the Council and Assembly were given authority to make regulations on the matter. It is estimated that in this way the action of the League extends to the welfare of at least 40,000,000 people.

5. *The Development of Internationalism*

In all that was done to prevent war there was, of course, a strong tendency to develop the spirit of internationalism; but it was incidental to the other purpose of putting down war as such. In another area of activity the League set out to develop a wide international co-operation, bringing the world closer together in many of its ideals, and establishing solidarity in matters of common interest, as health, social and moral diseases, and common economic processes. This knitting together of the nations has its influence on the preservation of peace and on that basis it is amply justified; but it is essentially justified on its own account. If it

[1] The first treaty to deal with minorities was the treaty setting up the state of Poland, signed at Paris, June 19, 1919. Its provisions on minorities furnished the model for several subsequent treaties.

were certain that another world war would come in 2014 and sweep away the greater part of the fruits of civilization it would nevertheless be worth while to stamp out contagious diseases, the traffic in opium and in women and children and the hindrances to economic interrelation in order that the world might live in this happier condition until the next disaster descends upon it.

The Covenant says little about how the League will carry out these powers. Article 23 gives it "supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs." It also authorizes efforts to "maintain freedom of communication and of transit and equitable treatment for the commerce of all the Members of the League" and efforts to prevent and control disease when international action is necessary. Under these general powers a number of organizations have been created. They are classified under two large headings: Technical and Humanitarian Activities. The first is made up of Financial and Economic Efforts, Transit and Communications, International Health, and Intellectual Co-operation. The second embraces the traffic in Opium and other Dangerous Drugs, the Traffic in Women, the Promotion of Child Welfare, the Deportation of Women and Children, the Suppression of Obscene Publications, the Repatriation of Prisoners of War, the Relief of Refugees and the Victims of Famine in Russia, and the Relief of Greek and Armenian Refugees. A full account of these phases of the League's life is not within the scope of treatment taken for this book; but it is an important part of the general history

of the League and its interesting story would fill a separate volume.

Article 23 also pledges the League to create organizations "to secure and maintain fair and humane conditions of labor" in all countries. This end the League has sought to achieve by co-operating with the International Labor Organization. This body is an autonomous part of the League but it has important connections with it. Created by the Peace Conference at Paris in 1919 as an independent self-directing body acting for the interest of Labor internationally, it draws its funds from the sum which the member states contribute to the League; but it is not responsible to any authority other than itself and public opinion.

When a state joins the League it becomes automatically a member of the International Labor Organization, and thus the two bodies have the same number of members.[1] Its organization is similar to that of the League, that is, its General Conference, its Governing Body and its International Labor Office at Geneva correspond respectively to the Assembly, Council, and Secretariat of the League. The General Conference meets annually and consists of four delegates from each member state, one selected by labor, one by the employers, and two by the state itself.

The Organization has little power beyond an appeal to public opinion. It passes *resolutions*, sends *recommendations* to the League and prepares *draft conventions* to be submitted to the member states for ratification, the second and third by two-thirds votes. The

[1] In the beginning Germany was a member, with the result that until she joined the League in 1926 the International Labor Organization had one more member than the League.

draft conventions are transmitted to the states through the Secretary-General of the League, and are, in effect, proposals of laws. The *recommendations* are also transmitted to the member states as opinions formally supported by the General Conference. They usually refer to some phase of labor reform, as the hours of labor, unemployment, night work, medical examination, and compensation for injuries.

So far the International Labor Organization has acted in a conservative spirit, confining itself to efforts to improve the laborer's living conditions. Its power arising out of its appeal to public opinion is strong, and it gives labor a vigorous leadership. If it succeeds in bringing wages throughout the world to a common standard the result will be a radical modification of the world's conditions of production and exchange of commodities. It may, also, very seriously modify the position of certain great nations in the field of competitive industry.

6. *The League as an International Administrative Agent*

In three important matters the Treaty of Versailles made the League an administrative agent to carry out the settlements made by the peace-makers. In each case it was selected for this duty because of its neutrality. One was the control of the Saar Basin, which by the treaty, was to remain under supervision for fifteen years, before its permanent status was settled.[1] Another was the "protection" of the free city of Danzig, construed to mean the guarantee of its independence.

[1] See below p. 172–191, 368–371.

At the same time the League was directed to establish civil government in Danzig, and make a treaty between this city and Poland. These duties were performed successfully but with great labor.

More significant was the administration of Mandates, a task, unlike the other two, for it grows larger with the passage of years, as the mandated countries grow in population and the mandate system gains in facility of operation. Remembering the vast area of these portions of the earth's surface and their possible growth, we may see that the League, as the supervisor of Mandates, may in time exercise authority over a large part of the habitable world, unless, indeed—and this is possible—it may elect to free them from the mandatory status and admit them to the League.

The disposal of the Colonies taken from Germany and the large areas of Arab lands taken from Turkey gave the peacemakers much trouble. It was not intended to leave them in the hands of their original owners nor to allow them to go to enhance the possessions of those who had seized upon them. Casting about for a solution of the problem it was decided to adopt an idea which had just been brought forward by General Smuts, of South Africa. In a pamphlet [1] published late in 1918 he suggested that such territories should be self-governing under the supervision of the proposed League of Nations and be administered by it in the interest of their own inhabitants. The suggestion was not practicable as made, for the League was not strong enough to administer successfully such vast areas. So it was decided to create mandates, that is,

[1] J. C. Smuts, *The League of Nations, A Practical Suggestion* (1918) 12–30.

to assign the areas in question to states members of the League with the assurance that the said states would administer the mandates in the interest of their inhabitants. Since these inhabitants in general were undeveloped people, placing them under the mandate system was looked upon as creating "a sacred trust for civilization." The Covenant in projecting the mandates, explained its purpose by saying: "The mandatory powers in so far as they be appointed trustees by the League of Nations, will derive no benefit from such friendship." These words were solemnly repeated by the mandatory powers, but there were many scoffers. The mandates, they said, only concealed faintly in a pious form a state of absolute ownership which no one was willing to avow openly.

As the mandates were created by the states writing the Treaty of Versailles, so they were assigned by Allied and Associated Powers to the countries wishing to receive them. Each country would draft the terms on which it assumed a mandate, and when the terms were approved by the Council of the League the assignment of the mandate was complete. It was only in this third stage of the process that the League appeared in the matter. Its authority continued from that time on; for once created the mandate was exercised under League supervision. For this purpose the Covenant provided for a Mandate Commission "to receive and examine the annual reports of the Mandatories and advise the Council on all matters relating to the observance of the Mandates."

The function of the League, therefore, is to receive the mandates after they are created, and through a

Mandates Commission to exercise general supervision. Each mandatory power is required to report annually to this Commission in reference to the task it has assumed; and it is significantly added that "the degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council." As the Mandatories are nations represented in the Council, where the decision must be unanimous, it is not likely that the powers granted will deviate widely from what they consider their own interests.

In recognition of the varying states of civilization reached by different mandated peoples the mandates have been ranged in three classes as follows:

Class A. "Certain communities formerly belonging to the Turkish Empire, which have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone." In this class are placed three states: Palestine and Transjordania, Iraq, and Syria and Lebanon, the first and second assigned to Great Britain and the third to France.

Class B. Mandates created in Central Africa, where the people seemed to require more supervision than the people of Class A in order to insure their development. Of this class six mandates have been established: the Cameroons (one-sixth) East Africa (Tanganyika), Togoland (one-third), all assigned to Great Britain—the Cameroons (five-sixths) and Togoland (two-thirds)—

assigned to France, and Ruanda, assigned to Belgium.

Class C. Regions in which through sparseness of population or other conditions the best results are obtained through administration as integral parts of the mandatory state and under its laws, subject to conditions safeguarding the interests of the inhabitants. In this Class are five mandates: South West Africa (assigned to the Union of South Africa) Samoa and other West Pacific Islands (assigned to New Zealand), Nauru (assigned jointly to Great Britain, Australia and New Zealand), the other former German Islands south of the Equator (assigned to Australia), and the former German Islands north of the Equator (assigned to Japan).

The Mandates Commission consists of nine members who are citizens of non-mandatory states, and they hold office for an indefinite term. Since the position and treatment of women in some of the Mandates is an important matter, it is required that at least one member must be a woman. It cannot give decisions or make direct recommendations to Mandatory Powers but must confine its actions to suggestions to the Council, which may come to decisions or pass over the matter under consideration to the Assembly or the States. It may receive petitions from the inhabitants in the Mandates, but the Mandatories have been quick to protest against the reception of such appeals. In 1926 the Commission was severely criticized when it sent a lengthy questionnaire to the mandatories calling for information about a great many features of the administrative and social control of the mandates. The protests were placed on the ground that most of the ques-

tions asked were impractical: but it is probable that the Mandatories also considered them inquisitorial. At first there was a wide-spread opinion that the Mandates would not be executed in the spirit in which they were created. But the more careful recent inquiries of the Commission supported on the whole by public opinion, have lessened the strength of that view.

CHAPTER II

THE LEAGUE OF NATIONS STARTS

1. *The First Session of the Council*

THE Treaty of Versailles was signed by Germany and her former opponents in a solemn meeting in the Hall of Mirrors of the ancient royal palace on June 28, 1919, and with that act the League of Nations was written into international law. Much remained for the Peace Conference to take up, but the most important work was done, and its leading members, leaving the future negotiations to less conspicuous statesmen, hurried to their respective capitals where other important matters demanded attention. To smooth out the horrid traces of war, to face the threats of communistic risings, to bring some degree of order into financial chaos, and to maintain a hold on a feverish public opinion were tasks calling for alertness and courage. To most of the statesmen of that day these tasks seemed more important than nursing into life the new-born League.

Before it adjourned the Peace Conference took steps to put the League into action as soon as the Treaty was ratified. It appointed Sir James Eric Drummond, to the office of Secretary-General of the League, a British

citizen who had seen service in the British Government during the war and proved his high administrative efficiency. He began his labors at once, recording the ratifications of the Treaty, thus registering the admission of the ratifying powers to the League, and registering also the acceptances of the invitations to join it, extended by the Conference to nations that had taken no part in the war. The Conference also gave to Belgium, Brazil, Greece, and Spain the right to sit as non-permanent members of the Council, and it selected Geneva as the League's seat of government, voting against Brussels, which France supported earnestly. To President Wilson it gave the authority to call the first meetings of Council and Assembly; and when the Treaty was finally ratified on January 10, 1920, he immediately issued a summons for the first meeting of the Council, fixing the place as Paris and the date as January 16, 1920.

The first thing the Council did was to choose for its President M. Léon Bourgeois, President of the Council of State of France. It served as a precedent, followed in later elections, for calling to the chair, when the Council does not meet in Geneva, the man representing the nation within whose territory the meeting is held. But the election of M. Bourgeois was also a tribute to one of the best early friends of the League of Nations. Long an advocate of peace he had supported Wilson's demands in the Peace Conference and had taken a large part in drafting the Covenant. His weight of influence in his own country did as much as any man could have done to cheer the hearts of the French friends of the League and to soften the indifference of a portion

of the French people with respect of its success. It was of great advantage to the League that at this critical time France had for her representative in the Council a man so genuinely true to the League ideal and at the same time so influential in French political circles.

During this early period of its history the Council was somewhat overshadowed by another similar body. During the war the Supreme Military Council directed in a general way the military policy of the *Entente*. The appointment of Foch to supreme command lessened its powers for the time but they came back at the end of the war when Foch covered with honors became President of the Inter-Allied Military Commission, whose chief function was to supervise the execution of the military provisions of the Treaty of Peace, by no means an unimportant function. At the same time the old Council was shifted into the Supreme Allied Council whose function was to see in a general way that the Versailles Treaty was executed. At the very time the Council of the League was created this powerful agent of the great states held a high position in the international life of Europe. Both it and the Inter-Allied Military Commission might come into conflict with the Council of the League unless care was taken to preserve harmony.

In actual experience this fear was not realized, partly because the danger of a clash was so well realized in advance and guarded against, and partly because the members of the Supreme Allied Council and the permanent members at least of the League Council were appointed by the same authorities, that is by the Gov-

ernments of the leading Allied States. Also, it is worth noting that the existence of the Supreme Allied Council proved a help to the League Council. It kept order in Europe when the task was not easy and, while not seriously interfering with the newly created body, it gave it the opportunity to develop in its own way, completing its organization and finding by actual experience the capacity of its own machinery.

In all the League had to do during this first year of its existence it was profoundly affected by the refusal of the United States of America to become a member. It had been assumed that a project so American in origin and in its originality would, of course, be accepted in Washington. The news of its rejection in the United States created feelings of discouragement and even disgust in Europe. The progress and the outcome of the presidential campaign of 1920 caused much hesitation in Europe, and for a time men doubted if the League would go on without support from a great nation who was rich enough to salve Europe's wounds and enough of a neutral to assuage her jealousies. And then came second thought: the men of the Old World were forced to go on even though the New World's support was lessened by the absence of the most important New-World nation.

Time and experience seem to show that the fears of 1920 were not well founded. That the League lost much by the absence of the United States from its members is, of course, true; but it also gained something. The evils against which it was expected to give security were, in the main, European evils. Europe herself was in a state of grave illness and looked

on her own condition with a sick man's mentality. What she most needed was a casting out of her obsessions, an assertion of her own will, and patience and courage. By taking up the League as a task devolving upon herself she cast off some of her hypochondria, acquired a real interest in the League and obtained the effects of self-dependence. The result has proved that the co-operation of the United States was not necessary to the success of the League nor to the safety of Europe. As to the effects on the United States of their refusal to join, that is another matter.

In these days of League beginnings, 1920–1921, much was said by the general public about the sincerity of the attitude of the several European ministries toward the League and their motives were frequently impugned. It was natural that old men, schooled in the old diplomacy, and desirous of keeping things in their own hands, did not wish to abdicate in favor of this new organ for directing international affairs. They liked their own authority and were not disposed to permit the League to gain headway as an independent and superior form of political power. At the same time they bore it no malice and in their personal opinions most of them favored its development within the limits of the existing system. Moreover, aside from the influence of public opinion in their own states—which was weak in some countries—they had strong power over the League through their function of appointing its agents. They could safely allow it to take power, since its power could not go too far. On the whole they promoted its development.

The League also had the advantage of being able to

do, through its position as an impartial agent, things the ministries of the big states could not do. This principle was recognized by the Peace Treaty which entrusted the League with several kinds of supervision which the Powers, acting by themselves, could not have done with satisfaction. An example was the supervision of the Saar Basin. France, Great Britain, Italy, and the United States knew well that control of this region by themselves would result in trouble, and they transferred control to the League of Nations, which by their idea was to be under joint direction. How could they, acting as the controlling force in the League, expect to do what they could not expect to do acting unmasked and in their own names? It was because everyone believed that the League was the League and ministers were ministers. And so it has often proved, though not always.

Certain it is that when ministers sat together in League Council in these early days they often forgot their ministerial points of view and expressed themselves in the League ideals. Carried on by the necessity of promoting harmony they gave to the Council of the League a strength that self-interest, narrowly conceived, would not have prompted. In many cases they found it better to do things through the Council of the League than through a Concert of the Powers. Add to this fact the large number of matters tending to promote international-mindedness, technical, humanitarian, and economic, which they took up in the League Council and which they could not have treated by concert among themselves, and it will be seen in how great a way the success of the Council in the days

in which it was set up was due to the action of the existing ministries of the States exercising the leading influence in the League.

2. *The Council at Work*

The first meeting of the Council, January 6, 1920, was in the famous Salle de l'Horloge, at the French Ministry of Foreign Affairs. The members, all of them present, were Paul Hymans (Belgium), Gustav da Cunha (Brazil), Léon Bourgeois (France), Elefthe-rios K. Venizelos (Greece), Maggiorino Ferraris (Italy), M. Matsui (Japan), and Quiñones de Léon (Spain). M. Bourgeois, elected President, took the chair and suggested that Lord Grey of Falloden, who was present, should, in recognition of his services for world peace, be invited to sit among the "diplomatic representatives" who made up the Council. Grey accepted the honor but refused to make a speech. The President, M. Bourgeois, next asked Sir Eric Drummond, the Secretary-General, to take a seat by the side of the President and congratulated him upon the efficient preparations made to enable the Council to take up its work promptly and effectively.

This done, M. Bourgeois made a speech on the significance of the occasion. The day on which the Council first assembled, he said, would go down in history as the day on which a new world was born, but it did not behoove those present to be too conscious of things like that. Putting aside any thought of what were their powers he suggested that the Council assail directly the duties entrusted to it by the Peace Treaty and thus

establish among themselves the habit of co-operation which was the very spirit of the League. "We do not forget," he declared "the impatience with which our decisions are awaited. We are well aware of the doubts (*scepticisme*) of some persons and the ardent enthusiasm of others; but we are here to represent responsible governments [and we ought equally to feel the incomparable grandeur and the inevitable difficulties of the enterprise we are serving.]" [1]

Of all the members of the Council then assembled M. Bourgeois had been the most ardent and continuous advocate of the theory of a League of Nations. His insistence in this initial meeting on a practical course argued well for the avoidance of a policy of mere academic discussion, and it went far to assure the world that the Council was in the hands of men skilled in political business. Much had been said about the "idealism" of the founders of the League, but it lost some of its terror when the world saw the most ideal man in the Council begin his career as its President by counselling practicality.

The further proceedings of this meeting justified the advice of the President. After speeches of congratulations by three other members the business before the meeting was taken up. The Versailles Treaty authorized the League to name three men who, with one appointed by France and one by Germany, were to constitute a commission to delimit the boundaries of the Saar Basin in accordance with principles adopted by the

[1] The official English translations of the early proceedings are not always very felicitous. In this case, and some others, I have used one of my own, employing brackets to show in what respect I have departed from the official English version.—J. S. B.

Peace Conference. This matter was called up and three names were suggested for consideration. No others were mentioned and a unanimous approval was given to the selection of the persons whose names had been suggested. And then after deciding that the next meeting should be in London and the time of meeting and the *agenda* should be left to the President and the Secretary-General this first meeting of the Council of the League of Nations came to an end. It had begun at 10.30 A.M. and it ended at 11.55 of the same morning.

The second session, held in St. James' Palace, London, February 11–13, 1920, with Mr. Arthur Balfour presiding, transacted a larger amount of business. In the *agenda* were: a request from Switzerland relating to the terms on which she wished to join the League, the order of procedure in Council meetings, the execution of the League's functions in supervising the Saar Basin and the Free City of Danzig, the organization of a Permanent Court of International Justice, the relation of the League to problems of transit, ports, waterways, railroads, and health, and the policy that should be followed in reference to Polish Minorities.

These matters were taken up by means of *Rapporteurs,* a method of treatment not generally followed in Anglo-Saxon countries. For each question a member of the Council was appointed who made an examination of the matter and reported the main facts with his recommendation to the Council, where the decision was taken. The system undoubtedly facilitates speedy action; but since the *Rapporteur* can hardly know much about a matter before it is referred to him, it tends to

enhance the influence of the part of the secretariat that prepares the case before the reference is made, a thing that may easily go too far. As time passed the lists of *agenda* became longer and the work of the *Rapporteurs* became heavier.

The Minutes of the Council show that debate was not hurried and that ample time was taken for deliberation, and perhaps a little more. Of the items taken up in the second meeting six were disposed of before adjournment and the other two were considered and referred for future action. It is also observable that at first there was a tendency to let the British and French representatives do the talking, partly due, no doubt, to the superior abilities of these representatives among whom were Bourgeois, Balfour, H. A. L. Fisher, and Lord Curzon. But from the fifth meeting on the representatives of other states showed more interest and took a more important share in the proceedings.

Ten sessions of the Council were held before the first Assembly met on November 15, 1920, and the total number of days through which they lasted was forty-three.[1] Thus, in these ten months the members of the Council, most of them holding other public posts, gave up fourteen per cent. of their time to the work of the League. During this period the Council had considered twelve matters relating to the stabilization of some part of the world that still felt the effect of the war and nine items relating to the co-operative or technical matters contemplated in the Covenant. As time passed the business before the Council became

[1] The length of the sessions in days was as follows: 1st, 1 day; 2d, 3 days; 3d, 2 days; 4th, 3 days; 5th, 6 days; 6th, 3 days; 7th, 4 days; 8th, 7 days; 9th, 5 days; and 10th, 9 days.

still heavier. For example, in the eighth meeting the list of *agenda* included seventeen items, whereas in the second meeting it included nine. In its activities during these ten months it laid out the course the League was to go and showed the manner of its going.

3. *Some Problems before the Council*

One of the greatest sources of anxiety in Europe at this time was the course of affairs in Russia. It was already evident that the attempts of the dispossessed Russian nobles to put down the revolution and to return to their country could not succeed; but it was not accepted that the revolution was permanent, and there was a feeling in some quarters that the League of Nations could do something in the matter. The idea took shape in a proposal for an investigation of labor conditions in Russia, and it was referred to the Supreme Allied Council by the International Labor Organization. Lloyd George, head of that Council at the time, suggested that it was a thing to be done by the League of Nations, and sent it to the League's Council, where its arrival was not greatly relished. It was probably with this action in mind that M. Bourgeois, speaking in the Council, said that "it appeared that whenever the Governments had under discussion exceptionally difficult international problems which could not immediately be solved, they were apt to entrust them for study and solution to the League of Nations." To which Balfour added that he did not fear that the League would be neglected so much as that it would have put on it at least all it could bear. The proposed investiga-

tion of labor conditions in Russia was not likely to be welcomed by the Soviet régime as its conduct by the League, if allowed, would give the world a view of what was happening in the country, a thing the existing government was not willing to permit. The assumption that the League could do this thing was singularly unwise and most persons connected with the League recognized it; but since the request came from the Supreme Allied Council it was not rejected.

The first step taken in execution of the proposal was to ask the Soviet Government if a Commission sent to Russia to report on the conditions of labor there would be received and guaranteed a safe conduct. This inquiry elicited the reply that before sending an answer it was necessary to say that Russia could receive no representatives from a country with which she was at war, a warning given with Poland in mind, then one of her enemies. To this statement the Council replied that Poland was a member of the League and no discrimination against her could be accepted. The Soviet Government was also told that if the proposed Commission was not received Russia would have to assume responsibility for defeating a scheme offered to her solely to "improve international relations and the economic situation of the world." The Russians did not see fit to come to terms and here the matter rested. In this affair the League gained no credit, though it had much sympathy through the prevalent antipathy for the Soviet régime in Russia.

Another problem demanding solution was the status to be given to Switzerland if she entered the League. This small nation had long been recognized as a neutral,

and she did not wish to surrender the advantage she had by that circumstance. Could she, therefore, accept the obligations of the League without surrendering her existing status? Especially, could she be neutral and at the same time observe Article X guaranteeing the integrity of the other League states? The Swiss Federal Council considered the question and decided to stand by the old arrangement and to leave it to the League Council to decide whether or not the state would be received under those conditions. The question that came before the Council was thus in essence: Should it receive Switzerland into the League with the assurance that she should not be expected to fight in its behalf? Here again the practical nature of the Council showed itself. It decided that Switzerland should be received on her own terms; but the action was put on the ground of her unique position as a defender of the principles of neutrality in Europe. No other nation applying for admission has asked for such terms; but it was believed that if they had not been allowed, the Swiss people would not have approved the application for membership.

Still another perplexing problem was presented when the future of Armenia came before the Council. This distressed region had elicited the sympathy of Christian nations by reason of the long series of attacks sustained from the Turks. At the end of the war it was exhausted industrially and socially and at the mercy of Turkey. General Harbord, of the United States, who made a careful investigation of conditions in Armenia, reported that it would take an

army of 60,000 men to protect the country and a fund of $100,000,000 to put it on its feet economically.

The nations of Europe, who were willing to take mandates over promising regions, were not willing to take one over so unpromising a country; and for this and other reasons they refused to accept it. The Supreme Allied Council then turned to the United States, which also refused. At this time the Armenians, assured by the prospect of the support of the Conference at Paris, 1919, were asserting their rights to wide areas and it was most probable that any state guaranteeing their claims would acquire a war with Turkey and probably with Russia.

The Great Powers now turned to the League of Nations. During the war and after it the Entente nations had declared that they would preserve the independence of Armenia. They now recognized it and offered "to place the future Armenian State under the protection of the League of Nations." [1] The suggestion was cordially received by the more enthusiastic portion of the League supporters. Venizelos in particular, who had a Greek's natural opposition to Turkey, became Armenia's champion in the Council. But Balfour and Bourgeois, more cautious men, opposed it. They pointed out that the League had no other weapon to wield than public opinion which had been used effectively against European nations but was futile against Turkey. The Council supported their views

[1] Curzon to the Council, March 12, 1920. *Council Minutes*, 3rd Session, p. 33.

and refused the request.[1] In doing so it made the additional observation that by its very nature it could take no action having "the appearance of assuming the responsibilities of a state incompatible with its rôle as conciliator and arbitrator between the organized states of the world." At the same time it said that it "would not cease to interest itself in the fate of Armenia," and, if desired, it would be ready to discuss future plans for the fate of Armenia.[2]

No such occasion came up. The Soviet Republic in Russia had already fixed its eyes on Armenia as a place in which its influence could possibly be extended. During the negotiations of the Peace Conference at Paris it had made offers which Armenia, trusting to the Conference, had refused. The Turks, too, had cast their eyes at the Armenians, offering them favor if they would give up the Conference of Paris. These overtures were also rejected and Armenia signed the Treaty of Sèvres, August, 1920. The National Turks, repudiating this agreement, fell on the Armenians and forced them to sign a humiliating treaty. Then the Russian Soviets reappeared. A party of their sympathizers in the country rose and proclaimed an Armenian Soviet Republic, and a Russian army came to their help; so that the Turks were driven away and Armenia was

[1] After the request was refused the Supreme Allied Council took the position that its request had been misunderstood. It well knew, said its reply to the League Council, that the League had no armies and large funds and that it was not a state. Its intention in the first place was merely to "inquire as to the degree of support and assistance" the League would give to a project to establish Armenia on a free basis. The Supreme Allied Council added that it hoped the United States would at last agree to accept an Armenian mandate, not only because of their natural capacity but because they had been "considerably less burdened" in the past six years than some other states. This hope, however, was not realized. See *Council Minutes*, 3d Session, p. 33, and 5th Session, pp. 149–159.

[2] *Minutes of the Council*, 3d Session, pp. 17, 19 and 33, 4th Meeting, p. 29.

left intact ruled by a small Soviet party under the protection of the United Socialist Soviet Republics.

The events following the refusal of the Council of the League to assume control over this exposed and storm distressed country justify the wisdom of the Council in the matter. To have taken the offer made to it would have exposed the League to failure and loss of prestige as well as put it in the position of attempting to do a thing foreign to its purpose and too great for its power.

4. *The Plebiscite in Eupen and Malmedy*

At the Peace Conference Belgium advanced claims to two districts, Eupen and Malmedy, which had been in the possession of Germany. The Versailles Treaty, Article 34, directed that the two districts should be surrendered to Belgium in full sovereignty and that she should hold a plebiscite in six months after the treaty was ratified, that is, by July 10, 1920, giving the inhabitants the opportunity to register themselves as desiring to belong to Germany. At the end of this period Belgium was to report the results of the registration to the League of Nations which was to make a decision which Belgium was pledged to accept. The article was clumsily written; for it gave the League no power to supervise the plebiscite and provided no means of enforcing a decision contrary to the wishes of Belgium.

Late in 1919 Germany complained to the Supreme Allied Council that Belgium was not giving all the inhabitants a free opportunity to register their wishes in the matter. Getting no satisfactory answer from this body she appealed to the Council of the League, which referred the complaint to M. Matsui, of Japan, to in-

vestigate and report on it. His report, accepted by the Council, was against intervention while the plebiscite was being held. The treaty, he said, gave the League no authority to act while the registration was in progress. It was not until the Belgium report came to it that the League could act, and the intimation was that the Council could then inquire into the manner in which the plebiscite had been conducted and do justice, if a wrong had been done. Germany replied that it would be too late to protest after the plebiscite was taken, but her argument availed nothing.

It must be confessed that on its face the statement of the Germans was good. They said that Belgium had opened only two offices of registration, one in the town of Eupen and one in the town of Malmedy, thus making registration difficult for the inhabitants of the rural villages. They also complained that the hours during which the registration offices were open were inadequate, being five on week days and three on Sundays, that these offices frequently closed before the announced hours, and that the official, in the Belgian interest, used arguments and threats to keep persons from registering, even going so far as to refuse registration to some to whom the right belonged.

The Germans alleged, among other things, that the Belgian officials asked the proposed registrants why they wished to register, told them that the two districts formerly belonged to Belgium, and reminded them that there was starvation in Germany and plenty in Belgium. They said that persons who insisted on registering were cut off from sharing in the food distributed in Belgium and denied the "three-language stamps" which enabled

them to cross freely into Germany where many of the inhabitants were employed. By this means, it was alleged, 3000 inhabitants of Eupen were unable to go freely to their work in Aix-la-Chapelle. Finally, it was said, persons who registered were not permitted to change money in Belgium, which was a great hardship. Supporting these charges the Germans submitted statements relating to threats made against the registrants of which the following is a sample:

"I was at Malmedy on the . . . in order to lodge a protest with the district Commissioner against the separation of the district of Malmedy from Germany. When I informed the Commissioner of my intention, he told me that if I signed the protest I should— 1. Not be able to change my money: 2. Should be excluded from the allotment of Belgian food stuffs; and 3. Would run the risk of being expelled at the end of the six months. As I am a resident landowner in the district and do not wish to leave my home at any price, I have had to forego my right of protest, chiefly on account of the threat of expulsion. I request of the German Government to obtain for the district of Malmedy freedom and secrecy of the voting which is to decide the future nationality of our district." [1]

The demands of the German government were: (1) that registers be opened in all the villages in the two districts; (2) that the officials in charge abstain from any attempt to influence the people; (3) that the voting shall be secret; (4) that discrimination cease against registrants; and (5) that the League of Nations send a Commission to investigate the situation and supervise the registration.[2] These charges may have been unfounded, but they were so specific that they might well have been investigated by some competent authority.

[1] *Minutes of the Council*, 5th Session, pp. 97 and 99.

[2] The documents on this matter are in the *Minutes of the Council*, 5th Session, pp. 65 to 111.

The attitude taken by the Supreme Allied Council and the Council of the League left the Germans in a state of despair. They could do nothing more and awaited the Belgian report of the plebiscite in a hopeless frame of mind.

This document came forth in due time. It announced that of the 63,940 persons living in the two districts only 271 had declared themselves as desirous of remaining Germans. The decision then went to the Council and was placed in the hands of M. da Cunha, of Brazil, as *Rapporteur,* with instructions to suggest what course the Council should take about it.

His report shows in what an awkward position the League had been placed by the Treaty, which had given it no specific power to see that justice was done to either party in the controversy, although by sending the report to the Council it seemed to imply a moral obligation in the matter. To overthrow what had been done in Belgium would, also, array against the League very powerful influences in its own household. M. da Cunha was, no doubt, cognizant of his situation, but his report, made with as good grace as possible, remains one of the weakest papers ever issued by an organization which, in general, has been an agency to promote international justice.

Like M. Matsui before him, he began by recognizing that Belgium, by the Versailles Treaty, had sovereignty in Eupen and Malmedy, subject only to a *condition résolutoire,* and, therefore, it had power to conduct the plebiscite as it saw fit. Nor was the Council empowered to inquire into the matter, but it must act

on the supposition that the registration was fair. The Germans had contended that persons living in the districts on the date of the Armistice, November 11, 1918, ought to be allowed to register their wishes; but the Belgians had limited registration to persons living there on August 1, 1914. The *Rapporteur* held that Belgium, having sovereignty, was competent to decide in the matter. He also said that in view of the very small vote for Germany, it was absurd to hold that enough persons had been excluded unjustly to affect the result materially. The conclusion was that the report from Belgium ought to be approved, and the Council, apparently without debate, accepted his view. In these proceedings the Council paid no attention to the previous implied assurance of M. Matsui that when the Belgian report came to the Council that body would inquire into the adequacy of the plebiscite.[1]

This procedure was bitterly resented in Germany where it was freely said that the League only showed that it was an instrument in the hands of Germany's enemies. The German Government had to be content with an ineffective protest to the Council. From that time it has refused to accept the decision as just or final.[2] In 1920 Germany's treatment of Belgium during the war was still fresh in the minds of Entente peoples, and it did not incline them to see Germany's side of the question. As late as March 15, 1927, the representative of Eupen and Malmedy in the Belgium Chamber demanded a fresh plebiscite in the two

[1] *Minutes of the Council*, 9th Session, pp. 51–57.

[2] *Ibid*, 10th Meeting, pp. 9–197; 11th Session, pp. 17, 107, 108; and 12th Meeting, pp. 7, 58.

provinces on the ground that freedom of expression was not permitted when the registration of 1920 was taken.

5. *The Council and the Assembly* [1]

During most of the year 1920 the Council, with the exception of the Secretariat, was the only part of the League that was functioning. Taking up so many kinds of business it came to look on the arrangements for the meeting of the first Assembly as also within its authority. Now the Covenant, article 5, provided that President Wilson should call that meeting, and it gave the Council no power in the matter. This fact, however, did not trouble the Council, and early in the Spring it began to discuss the time when the Assembly should meet. May 14 it voted that the time ought to be between the first and fifteenth of November, a time when most European parliaments were not sitting. A few days later it decided to ask Wilson if he was willing to call it within that period. So far as its Minutes show there is no reason to think that he replied to the question. No man was less likely than President Wilson to treat lightly an attempt to interfere with the exercise of power clearly entrusted to him.

The Council seemed to have been oblivious to the rebuff it had encountered in this matter, and it stumbled into a position by which it received another. Although France had lost in her effort to get Brussels accepted as the seat of the League's government, she did not consider the question as settled. Wilson, hav-

[1] For an account of the action of the Assembly on this matter see below, pp. 99–101.

ing in mind the extent to which the French press had hampered him in the peace negotiations in 1919, wished to have the League meet in a thoroughly neutral atmosphere, and he felt that Brussels did not offer that condition. His support of Geneva was shared by many of the small states. The opponents of Geneva, however, were strong in the Council and got authority to send Wilson a cablegram saying that they were "anxious to come to an agreement with you as to the question of selection" of the place of meeting and adding that they hoped that it would be Brussels, "without prejudicing the place for future meetings." [1]

The idea that the Council could pretend to "come to an agreement" in a matter in which they had no authority probably struck Wilson as presumptuous. At any rate he took no official notice of the suggestion. The position into which the Council had been led now came home to it, and at its next meeting, a month later, it sent a message in a more considerate tone. It called attention to the necessity of convening the Assembly and said that it "trusts you will find it possible to fix the definite date at your earliest convenience." [2]

Wilson had already taken a month to think the matter over; he now took another. It was not until July 9, the day the Council assembled at Geneva for its seventh meeting, that he sent his reply, not directly to the Council, but through the United States Ambassador in London. In this indirect way he announced that he held to the idea that the first Assembly should meet in Geneva. Feeling in the Council was probably

[1] *Council Minutes*, 5th Session, pp. 201–205.
[2] *Council Minutes*, 6th Session, pp. 17–65.

aroused; for a Swiss representative present said that his country would not oppose holding the first Assembly in Brussels, which brought forth an expression of gratitude from the Belgian representative. Thereupon the Council again sent a cablegram urging Brussels, but it accomplished nothing; and on July 17, 1920, Wilson sent to the Secretary-General of the League a summons for the Assembly to meet at Geneva on November 15. It was worded as follows:

> At the request of the Council of the League of Nations that I summon a meeting of the Assembly of the League of Nations, I have the honor, in accordance with the provisions of Article 5 of the Covenant of the League of Nations, to summon an Assembly of the League to convene in the City of Geneva, the seat of the League, on the fifteenth day of November, 1920, at eleven o'clock.[1]

The words "at the request of the Council" express Wilson's idea of the functions of the Council in the matter.

It was about this time that the Council began to talk about action to define the relative powers of Council and Assembly. Such a step was not unnatural, since by the Covenant each body seemed to have equal authority in a number of matters. In the eighth meeting of the Council, July 30, Mr. Balfour, in a temperate speech, brought up the subject and went so far, in the interest of harmony, as to say that he thought it better to give all doubtful authority to the Assembly rather than have a conflict between the two bodies. Thereupon the relation of Council and Assembly was referred to a Committee of which Balfour was chairman, and Bourgeois and Hymans the other members.

[1] *Minutes of the Council*, 7th Session, pp. 21, 75 and 77.

The report of the Committee was not quite so gentle as Balfour's original remarks. It contained three suggested principles: (*a*) If one of the two bodies takes up a matter competent to its authority the other should not take it up independently. By this principle the Council through meeting frequently, might, if so minded, seize on such points as it wished to the exclusion of the Assembly. (*b*) If both the Council and Assembly claimed jurisdiction in any particular matter, a joint committee should settle the matter. And (*c*) The Council considered it useful to lay before each meeting of the Assembly a statement of its transactions since the preceding meeting of the Assembly. It seems that the Council objected to the idea that it must report to the Assembly as a duty. It may be noted here that when the first Assembly received the statement of what the Council had done, it came as the Report of the Secretary-General on the deliberations and decisions of the Council, which was quite different from a report from the Council to the Assembly. These three principles above mentioned were adopted by the Council, and the report of the Balfour Committee was sent to the Assembly as a statement of the ideas entertained by the Council.[1]

[1] *Minutes of the Council*, 8th Session, pp. 11–13, 25, 119–121.

CHAPTER III

THE AALAND ISLANDS CONTROVERSY

1. *Origin of the Controversy*

THE province of Finland and the Aaland Islands for many years belonged to Sweden, but under Charles XII the Swedes lost the eastern portion of this holding to Russia, and during the Napoleonic Wars handed over the western portion and the islands as the penalty for taking the losing side during a part of that struggle. This latter transfer occurred in 1809 and from that time until 1917 Russia ruled the province and the islands as one administrative unit. The self-assertion of the Finns was so great that for a long time they were allowed a large amount of autonomy; but about 1900 a more repressive policy was introduced, and in 1908 vigorous measures were taken to reduce the privileges of the province, which, of course, included those of the islands.

When the Bolshevists carried the day in Russia in 1917 agitators of that party appeared in Finland, and for a while they were successful. Then the Conservatives called on Germany, who sent them an army of 12,000 men and the Red régime was put down, with the result that an election was held under a new law by

which the Socialists, 46% of the electorate, were not allowed to vote. Reaction was now triumphant, a monarchy was proclaimed, a Prince of Hesse was made king, and in an excess of party fanaticism some 15,000 political prisoners were executed, 4,600 of whom were women.

These barbarities disgusted the Finnish nation with their German allies, who soon began to take the airs of masters. In July 1918, the Germans began to lose in the Marne salient and withdrew their troops to meet the danger in France. The Finns seized on the opportunity of the hour and wiped out the last trace of German power in their country. A wide-spread republican movement now spread through Finland and in June, 1919, a republican constitution was put into operation. In these changes Finland acted on the basis of complete sovereignty, a claim which several neighboring states formally recognized. Among them was Sweden, whose recognition was accorded on January 4, 1918. In her procedure Sweden made no reservations as to the Aaland Islands. In fact Russia herself recognized Finnish independence in the Treaty of Dorpat, signed on October 14, 1920; and on December 16 of the same year the League of Nations received the Finnish republic into its rapidly growing family.

The Aaland Islands lie between Finland and Sweden in such a position as to command the entrance of the Gulf of Bothnia. The archipelago contains about 300 islands with a population in 1922 of 27,123. In the main they are of Swedish stock and their language and literature are Swedish. Soon after Finland declared herself independent of Russia the Aalanders began to

talk of uniting with Sweden, appealing to the doctrine of self-determination. Finland resisted these demands, but the Islanders persisted and in two unofficial plebiscites a large majority of them declared for Swedish annexation. The Government of Sweden gave the movement no support but the Swedish people observed its progress with much interest. When it had reached a state only a little short of revolt Finland took steps to restrain it. May 7, 1920, she offered autonomy, which was rejected; and on June 5 she landed troops in the Islands and arrested two of the most active leaders of the separatists. This evidence of a disposition to maintain Finnish sovereignty forced Sweden's hand. It made it evident that she must acquiesce in the continuation of Finnish authority or herself take a hand in support of the Aalanders. The strong state of popular feeling in Sweden made it seem that war was imminent.

2. *The Appeal to the League*

This threatening situation alarmed the Supreme Allied Council, who feared that a war once begun in this part of Europe would spread to other countries and disturb their plans for the restoration of complete peace. Public opinion also deplored an appeal to war and anxiously demanded that the League of Nations, newly set up as an agency for preserving peace, should be employed to clear up the dispute. It is well to remember also, that the occasion lent itself to such a settlement. Neither Sweden nor Finland were closely connected with any of the states represented on the Council, and neither had a large part in the post-war international

politics which were already well fixed in most of the states of Western and Eastern Europe. It seemed, therefore, that the League could be expected to consider the case on its own merits and render its decision without reference to the influence of any leading European State —a thing it could not do, as we shall see, in the Polish-Lithuanian dispute and in some other controversies it tried to settle at a later time.

The Aaland Island case was brought before the League by Great Britain acting under Article 11 of the Covenant, which authorizes a state not a party to a dispute, through the exercise of a "friendly right," to bring any matter threatening to lead to war before the Assembly or the Council in order to obviate the outbreak of war. The British Government brought the matter to the attention of the Secretary-General of the League, who laid it before the Council in its seventh Meeting, held in London on July 9–12, 1920, both parties having notice and appearing through their agents. Sweden was a member of the League and appeared as of right. Finland was not a member but had filed an application for membership pending the decision of the First Assembly. The Council gave each state full and equal standing before it and called on each to present its case.

Mr. Enckell, who appeared for Finland, presented his arguments and answered ably the questions put to him. He affected to be amazed that it should be said that the situation contained a threat of war. The case was purely domestic in its nature; for the Aaland Islands belonged to Finland, and any differences of opinion between them and Finland could and would be settled

by means of the machinery of domestic laws. No war existed or was likely to exist between Finland and the Islands. And he added that the "definitely annexationist" conduct of a certain neighboring power, meaning Sweden, could not transform the matter into an international dispute. He also reminded the Council that when Sweden recognized the independence of Finland on January 4, 1918, she made no conditions of any kind, least of all any reservations about the Aaland Islands.

Sweden's representative was Karl Hjalmar Branting, a brilliant genius, but less able in legal debate than the Finn. He could say little beyond the fact that the Aalanders were strongly desirous for annexation to Sweden, that this desire was not stimulated by Swedish propaganda, and that the dispute should be settled by a plebiscite. He supported his arguments by calling in representatives from the Islands who testified as to the state of public opinion there. He argued for the right of the Council under Articles 11, 15, and 17, to make a general decision of the dispute on the ground that it was a thing likely to lead to war, thus meeting the argument of his opponent that the dispute was a purely domestic matter between Finland and the Islands, over which the Council had no jurisdiction.

These two points were brought out in their bearing one on the other by M. Bourgeois, who was presiding. He first observed that the question involved the interpretation of paragraph 8 of Article 15, which says that if the Council decides that a case brought before it is by international law "solely within the domestic jurisdiction" of one of the parties it shall make no decision.

This statement cheered M. Encken, for he was sure that the question was domestic. Bourgeois, however, went on to say that "in any kind of dispute, whatever the acts of sovereignty might be, which are exercised by a country within its frontier," the Council might "consider whether it was not bound to intervene in the interests of peace, basing its intervention not on the ground of right, but on that of the general duty of the League to secure the peace of the world." And he put this question to the Council: Is there reason to believe that the continuation of this dispute, by arousing passion on each side, would be likely to lead to war?

It was an interesting question and summed up in little it was this: Can a nation with a good case in law be bullied by threat of war until a compromise may be made in order to prevent war, by which it loses something of what it has on a legal basis? M. Bourgeois did not answer his own question but its mere statement by him alarmed M. Encken, who hastened to say that there was no danger of war. But M. Branting, observing that the question gave hope on his side, said that he thought his opponent's view was too optimistic.

At this point the Council adjourned, leaving the matter in the hands of its *Rapporteur*, Mr. Balfour, a man greatly skilled in bringing opposing disputants into harmony. July 11 he presented a report, prepared in the interval after informal conference with his colleagues, and embodying the views of the Council. It provided that the question of whether or not the matter in dispute was by international law within domestic jurisdiction should be referred to a committee of jurists. As the members of the Council were not all experts in this

subject it was natural that they should seek advice outside of their circle: and as the Permanent Court of International Justice had not been created it was natural that they should resort to a special committee.

Balfour's report contained another point. The Treaty of Paris of 1856 had said: "The Aaland Islands shall not be fortified, nor shall any military or naval establishment be maintained or created thereon." Great Britain, France, and Russia had signed this treaty, but there was some doubt about the vigor of the treaty in 1920, and the Council wished it made clear. It was, therefore, proposed to refer this point, also, to the suggested committee of jurists. Neither Sweden nor Finland relished neutralization in the Aaland Islands, but each thought her case would suffer if she opposed it, and so each was led to agree to neutralization, whatever the decision on the main phase of the dispute. This assurance had no bearing on the ownership of the Islands, but it had great influence on the relation of the world at large to the controversy; for it meant that whatever the final decision the Islands would be open to neutral navigation.

When Balfour stood before the Council to read his report he realized that it was a critical moment for the League. Before him were two sovereign nations, each highly excited. He had behind him no other power than the force of public opinion. Would they accept the decision or flout it? Standing there with the report unread he addressed the two representatives the direct question: Would Sweden and Finland pledge themselves to accept the Council's decision? Each man, under the eyes of the assembled group, replied in the

affirmative, but their assents were evidently a little less than cordial.

Then Balfour turned to Branting. He had been pained, he said, to hear the Swedish representative speak of tense feeling existing between Sweden and Finland and he expressed "an earnest desire that Sweden would do her best to pacify a people of Swedish speech and origin" and wait patiently for the report of the jurists. He urged Finland to remember that the case was still before the League and told her to seek "to avoid any calamitous incident" in the Islands.

He then read the report on the question in issue. When he had finished Branting, evidently much concerned, asked how long before the proposed Committee of jurists would report. Balfour replied that it was impossible to say, but that it would require much time to give the case proper consideration. Then he again asked, in the name of the Council, if Branting and Encken were prepared "to make any response to his request that the report would be accepted by their respective governments." Thus pressed, Branting said that "Sweden would do nothing to aggravate the position," but he called attention to the continued detention of some of the Aalanders. Encken said he would submit the report to his government and believed it would not act to increase the gravity of the occasion. The case of the detained Islanders, he added, was before the Finnish courts, and he hoped that nothing would be done to give their cases a political character. By these proceedings [1] time was obtained for the cooling

[1] For the proceedings here referred to see *Minutes of the Council*, 7th Session, pp. 3–19, 23–25, and 35–63: and 8th Session, pp. 7, 9, and 93.

of Swedish impatience and machinery was created which promised to lead to adjustment. To the Committee of jurists were referred the following questions:

"(1) Does the Swedish case, as presented by the Council, of the question of the Aaland Islands, arise out of a matter which by International Law is solely within the jurisdiction of Finland, within the meaning of paragraph 8 of Article XV of the Covenant? and (2) What is the present state of the international obligations regarding the demilitarization of the Aaland Islands."

3. *Threshing it out with M. Branting*

The Committee of Jurists took up their work with great seriousness. They met in Paris August 3, 1920, and sitting continuously until September 5, came to the following decision:

(1) The dispute under consideration arose at a time when Finland had not been recognized by Russia as a completely established state. The matter, therefore, did not fall within the recognized sovereignty of Finland, and by international law, Finland was not exclusively competent to pass upon the status of the Aaland Islands. This being true, the Council of the League has the authority to recommend any solution it may deem wise or expedient.

(2) On the second question submitted to the Committee it was the opinion that the provisions of the Treaty of 1856 were still in force as regards the Aaland Islands, and each nation interested in that Treaty may insist that it shall be respected. Whoever possesses the Islands must hold them in conformity with the terms of this treaty.

The report was presented to the Council on Septem-

ber 20, 1920, by H. A. L. Fisher, who had succeeded Balfour as British representative. He offered two resolutions which the Council adopted unanimously. The first, ignoring Finland's contention for domestic jurisdiction only, declared the Council "competent to make any recommendation which it deems just and proper in the case." In this declaration the Council accepted full jurisdiction and was in accord with the conclusion of the Committee of Jurists.

The second resolution, promptly adopted, provided for the appointment of three *Rapporteurs* to examine the dispute as a jury looking for evidence and to report such findings as would enable the Council to make a decision "favorable to the maintenance of Peace in that great part of the world." [1] It is worth while to note that the Committee of Jurists had one function and the *Rapporteurs* another. The jurists were to deal with questions of law, a subject in which members of the Council were not experts, and the *Rapporteurs* were to investigate actual facts and conditions, a process for which the members of the Council had no time. To the Council was reserved the function of giving judgment, after the law and the evidence had been placed before them by impartial agencies. In the main this method of procedure has been followed by the Council in all its dealings with problems like the Aaland Island Controversy.

The *Rapporteurs* were Baron Beyens, of Belgium, M. Félix Calonder, of Switzerland, and Mr. Abram I. Elkus, of the United States. They made a careful investigation of the facts, visiting Sweden, Finland, and

[1] *Minutes of the Council*, 9th Session, pp. 3, 5, 17, 19, 75–77.

the Islands themselves. The evidence assembled was entrusted to Baron Beyens to write the draft of the report. When the draft was complete Mr. Elkus became ill, so that the report did not reach final form until March 1921. It was placed before the Council on June 20, 1921.[1] In the interval the first Assembly had admitted Finland to membership in the League.

The report of the *Rapporteurs* went into all phases of the controversy. Reviewing the history of the relations between Finland and the Aaland Islands it found that for a hundred years they had been an administrative unit and ignoring the argument of the jurists on the claim that the Finnish revolution was incomplete when the Aalanders brought up the question of union with Sweden, the *Rapporteurs* pronounced for Finnish sovereignty over the Islanders. They rejected the idea of a plebiscite in any form. In this respect they favored Finland as much as the report of the jurists had favored Sweden. They did not, however, support Finland's contention that the dispute was purely domestic, which might have been expected from the acceptance of the Finnish sovereignty theory. The *Rapporteurs* reported that the question was international because it had reached such a state "that it is necessary to submit it to the high authority which the League of Nations represents in the eyes of the world."

Here we note that despite the disagreement of the two reports on the question of Finnish sovereignty over the Islands there was agreement between them on the question of the right of the League to interfere. Sweden and Finland contended sharply over the ques-

[1] *Minutes of the Council*, 10th Session, pp. 15, 155–159: 12th Session, p. 111.

tion of sovereignty, thinking that this point once settled, the issue between them was decided. They ignored the fact that each report held that the League could decide as it thought best in order to preserve peace. If that point prevailed—and it was likely to be accepted by the Council—it made little difference in the argument of the case whether Finland had or had not sovereignty in the Islands, except as the having of sovereignty might weigh with the Council when it made its decision.

It is also worth noting that in this case, so likely to be taken as a precedent in later times, the League was feeling out its power to interfere in the interest of peace. The agreement of each committee on that point gave it assurance to go ahead. That each report was written by persons appointed by the League had, of course, some bearing on the matter. But public opinion would stand a great deal in order to avoid war; and after all, the Covenant was, through the ratification of the Versailles Treaty, a part of the supreme law of many nations. Coming, therefore, to the full recognition of the principle that the League had jurisdiction was an important step in the evolution of League power.

M. Branting, still representing Sweden, said little against the competency of the Council in the case; but he held out against the contention that Finland had sovereignty in the Islands. Moreover, he was a persevering man. Seeing that the *Rapporteurs* were against him, he turned to the jurists. He asked that the jurists be called in to explain the historical grounds of their view, and the Council faced the possibility of seeing two groups of its experts wrangling in its own pres-

ence over their varying views. Viscount Ishii, of Japan, presiding at the time, defty avoided this danger by ruling that the point was not germane. The Council had adopted the conclusions of the report of the jurists, the only part it wished to take; and, thought Ishii, it would take only that part it wished of the report of the *Rapporteurs*. Branting, who was putting much personal feeling into his pleading, was not satisfied and renewed his demand. Wellington Koo, of China, tried to pacify him by saying the Council would give due weight to the report of the jurists in making its final decision.

The representative of Sweden did not retreat. He asked that his protest be recorded and then requested that the following question be put to his opponent: "Does Finland intend to accept the decision which will be taken by the Council?" Without hesitation Encken said that Finland "would strictly observe the Covenant and carry out the promises she has made on becoming a member of the League. She would accept the decision." Viscount Ishii then asked what Sweden would say to the same question. Branting replied as follows:

"The Swedish Government has insisted, in the most formal manner, that the questions of the sovereignty and of the neutralization of the Islands are inseparable. Convinced that account will be taken of the request which it has made that these two questions should be settled simultaneously, it is prepared loyally to attribute to the decision of the Council its full value under the Covenant.

"Nevertheless, future events may take place independently of the will of the Swedish government, creating a new situation in the Islands, which it may be impossible to consider as covered by the decision of the Council."

This declaration produced a painful impression on the Council. Mr. Fisher hoped that it would be withdrawn. Branting was, it seems, too much excited to make further comment; but one of his experts who was at hand said that he had been misunderstood, and the incident was passed over. Representative Aalanders were as unyielding as Branting. To a question put to them by Branting they replied that if assigned to Finland by the Council they would endeavor to obtain independence; and they added that such a decision would result in trouble for the Islands and for Finland.

Branting still rested his hope in the jurists. Two of these gentlemen were then in Geneva, where the Council was sitting, and he asked that two questions should be put to them: (1) Had their views been changed by any new facts brought forward by the *Rapporteurs?* and (2) Would the Council have been competent to take jurisdiction at its meeting of September 20, 1920, if it had then held the view of the *Rapporteurs* on Finnish sovereignty over the Islands? M. Hymans pointed out that the second of these questions amounted to asking the jurists to pass on the report of the *Rapporteurs,* and this question was withdrawn. The first was laid before the two jurists who promptly said "No." This reply gave satisfaction to the Swedish representative, but it did not change the attitude of the Council. Nor did that body yield to his request, now renewed, for a plebiscite in the Islands.

By this time the fire of debate had burned itself out, and the members of the Council had fully reached their decision. It was embodied in resolutions, adopted June 24, 1921, which are summarized as follows:

1. Finland was to have sovereignty over the Aaland Islands.

2. The interests of the future demanded that Finland should give certain guarantees for the protection of the Aalanders in their political rights and agree that the archipelago should be neutralized and not fortified.

3. Finland should guarantee autonomy to the Islands with the preservation of the Swedish language in the schools, the preservation of the rights of private property, and, within reasonable limits, the admission of new-comers to the franchise.

4. Finland, the Islands, and Sweden should co-operate to devise the means of carrying these guarantees into execution; and if the efforts of this kind failed the Council itself would prepare a statement of the measure to be followed. In any case the Council would supervise the enforcement of the measures adopted.

5. Finland should guarantee that the neutralized Aaland Islands should never become a source of danger in a military sense to Sweden nor to any other interested power, and the Council should take steps looking to the revision of the Treaty of 1856 so as to give it a broader basis in conformity with suggestions already made by Sweden in a draft convention.[1]

When Branting was asked if he would confer with Encken on the nature of the guarantees for preserving Aaland culture, he acquiesced but said that he did not think any good thing would come out of it. In this respect results showed that he was mistaken.

He was and remained a loyal friend of the League of Nations, but at this time he believed as sincerely in the doctrine of self-determination. He took his defeat before the Council with as good grace as possible. "Sweden," he said, in reviewing the conflict, "was not influenced by the desire to increase her territory. She

[1] In accordance with this suggestion the League called a Conference of interested nations which met in Geneva October 10–20, 1921, and prepared a new Treaty to replace that of 1856. It was satisfactory to all powers and went far to soften the disappointment of Sweden. In the execution of its provisions a considerable amount of responsibility was placed on the League. The treaty was signed by the British Empire, Denmark, Finland, France, Germany, Italy, Latvia, Poland, and Sweden and went into operation April 6, 1922.

only wished to support noble and just aspirations and to defend the right of an absolutely homogeneous island population to reunite itself to its mother country, from which it had been detached by force, but to which it is still united by ties of a common origin, a common history and a common national spirit." He announced his regret that by its decision the Council had lost the opportunity to bring about "the dawn of a new international order" and thereby, he feared, "grievously shaken the confidence that peoples like his had entertained for the League.[1]

To have tried to establish what Branting called "a new international order" would have produced confusion in many parts of the world. The Council showed practical ability in refusing to go in that direction. It had been face to face with a practical problem and had settled it in a practical way. By following no particular theory of the larger phases of social reform and confining its action to the question immediately before it, it won the confidence of the governments of the important states, a thing essential to its success in dealing with future controversies.

In reading the minutes of the Council in which these proceedings are recorded one will be struck by the fact that the Council did little by the exercise of authority and much by guiding the discussion, giving opportunity for the cooling of feeling, and bringing the contestants to a state of harmony through appeals to reason. Despite Branting's warmth of debate, which was temperamental, Sweden kept reasonably cool, and in the end accepted the decision in good faith. The solution

[1] *Minutes of the Council*, 13th Session, pp. 16, 34–43, 52, 158–162.

of a major diplomatic dispute in this manner by an organization supported by no other force than public opinion was as reassuring as it was novel. It was and continues to be a chief weapon of the League.

CHAPTER IV

THE POLISH-LITHUANIAN CONTROVERSY

1. *The Question of Boundaries*

THE undoing of a hundred years of history, however justifiable it may be, is likely to produce much confusion and some injustice. In history it is never possible to put the hands of the clock back just where they once were; and it is rarely that the people most affected by the process can agree among themselves about the distribution of the ensuing benefits and obligations. So it was in Eastern Europe, when the defeat of Germany and Austria and the chaos in Russia made it possible to restore to independence a group of small states who had through a long period been ruled by Germany, Austria, and Russia. Out of the confusion that came from this process of readjustment arose the Polish-Lithuanian dispute of 1918–1923, one of the most difficult problems the League of Nations has sought to solve and the occasion of its first notable failure.

On the south, separating her from Czechoslovakia, Poland is bounded by a chain of mountains, and, except the Baltic Sea, that is the only natural boundary she has. Eastward and northeastward the earth's surface

stretches away in a vast plain cut by rivers none of which, in the Polish region, have come to form the dividing lines for ethnographic groups. In fact, in this part of Europe, as the result of conquest or migration, one racial group has frequently been so mingled with another that it is difficult to decide where one stops and another begins. The process of distinguishing is sometimes complicated by the fact that the rich landowners and directors of industry are of one group and the peasants and factory laborers of another. In such case, a district would be under this or that influence as the aristocratic or democratic elements of the population were in ascendency. In such a state of uncertainty were the aspiring people that rallied around the Polish standard, intending to set up again, as far as they could, the old Polish kingdom of the eighteenth century.

To the north of the Poles were the Lithuanians, racially distinct from the Poles, but long united with them until, by the three divisions of Poland in the eighteenth century, they fell into the hands of Russia. As soon as the issues of the war made it possible the Lithuanians raised the standard of independence and proclaimed a republic. Their bounds on the north and the west were fairly definite, but such was not the case on the south, where the Poles lived. As each side wished all it could get the two powers began to quarrel, which was natural, especially as they had been subject provinces for more than a century and had lost the faculty of governing themselves, acquiring in its stead an unhappy facility in suspecting and hating those with whom they happened to have differences.

Now the nations of Western Europe saw with much

concern the beginnings of this opposition, and they sought to allay it. They looked on Poland as the power to hold off the Russian peril and were disposed to strengthen her hands. But she and her non-Russian neighbors must live in peace, or Russia would divide her from the adjacent states and by isolating her weaken her power of action. In view of this phase of the question the Supreme Allied Council undertook to fix Poland's Eastern boundaries in such a way as to satisfy both contenders. December 8, 1919, it adopted the "Curzon Line," by which the town and province of Vilna, the chief point of contention between Poland and Lithuania, were left to Lithuania. At that time Poland did not dispute the award. She was then chiefly concerned with her war with Russia in which she hoped for Lithuanian co-operation. The "Curzon Line" was only provisional and was expected to serve until the war with Russia ended, when a permanent boundary would be adopted by Poland and Lithuania by amicable agreement.

Events soon proved that amicable agreement between these two powers was impossible. Poland thought that Lithuania should share in the burden of the struggle against Russia, since each state was equally interested in resisting the efforts of that nation to reconquer the provinces that had revolted against her authority. Lithuania refused to give the desired co-operation and Poland, left alone to meet a strong Russian advance, was defeated and gradually pressed back towards Warsaw. The Russians occupied Vilna, the Lithuanians withdrawing at their approach.

Lithuania was now in a position to strike the Russian

army on the flank, and the Poles hoped they would do it. The Lithuanians took no such action, but instead they began to show friendliness for Russia. Poland now made a great rallying effort in which she defeated her opponents and drove them back toward Moscow, so that they left Vilna, which Lithuanian troops immediately occupied. Russia was so much weakened that she offered terms to Lithuania and the two states signed a treaty of peace at Moscow, July 12, 1920, by which Russia recognized Lithuania's right to a boundary line which included Vilna. Poland considered the acceptance of this treaty an unneighborly act and a betrayal of the common cause, but Lithuania, much smaller than Poland, justified her action on the ground of necessity. It produced a high state of feeling between the two states and there was danger that hostilities might begin, with the result that Russia, making a mighty effort in support of Lithuania, might break the Polish republic and reopen a series of acute problems on other Eastern boundaries.

2. *An Appeal to the League of Nations*

To avert this threatened danger Poland, September 5, 1920, called on the League to intervene in order to prevent war. Notice of her request was sent to Lithuania, who accepted the investigation, and the matter came before the ninth meeting of the Council, at Paris, September 16–20, 1920. The representative of each contestant was given a seat in the Council for the purpose of presenting his case and defending it, but, as in other such cases before the Council, neither representative had the right to vote.

The question at issue was a boundary question, but the Council at this stage of the proceedings was not asked to settle it definitely. The two nations expected to do that later in a deliberate manner. What they wished now was that the Council would hit on some emergency arrangement, as a provisional boundary, which would serve for the time being, say until war between Poland and Russia ceased, when a final boundary treaty could be made. Lithuania, now holding Vilna, could not object to this idea, since possession is nine points of the law. The Polish civil government at that time was in the hands of leaders more liberal than the militarists who were gathering in groups around various leaders and were soon to commit the government to a sterner policy. These men realized the importance of preserving peace with Lithuania and believed that it could be done if the question could be deferred until war with Russia ended.

Before the Council Poland was represented by M. Paderewski, the celebrated pianist. His warm appeals in the United States during the war had brought him much consideration. Returning to Poland after the war he had done much for national unity and risen for a time to the head of the ministry. But he was more eloquent than practical and had been forced out of actual leadership though not yet into political obscurity. The Lithuanian representative was Professor Voldemar, who had taken a prominent part in establishing the government of his country. As politicians both men were amateurs, but the Lithuanian was more astute and less impulsive than the Polish musician whom he confronted. Paderewski's presentation of his case when

he appeared before the Council was so confused with irrelevant matter and so disorderly in its manner of presentation that the Council asked him to revise it with the assistance of M. Hymans, of Belgium.

It was Paderewski's idea that war would begin if the troops of the two armies continued together in the disputed area, and his suggested solution was that the League should make the Lithuanians get out: and before the Council he made a warm personal appeal to Professor Voldemar to see that such a withdrawal was accomplished. Asked if Poland would withdraw if Lithuania withdrew, he said that was impossible since the Polish-Russian war still continued. On this point the two representatives could not agree. Then the Council, following a process that later become a custom, instituted conferences and measures of individual explanation, believing that by such proceedings the disputants would be brought together. It asked M. Hymans, *Rapporteur* in the matter, to confer with Paderewski and Voldemar, and make out a statement of the question "clearly indicating the points which they were ready to discuss, and in regard to which they invited the good offices of the Council." Since this case had come before the Council at the request of one of the parties themselves, it was for them to say just what was to be decided.[1]

In the hands of so skilful a *Rapporteur* as M. Hymans, these two men were made to see that no settlement could be reached as long as one side demanded that the other withdraw in its favor. So it came about that each representative agreed to accept provisionally the "Cur-

[1] *Minutes of the Council*, 9th Session, pp. 11–15, 21, 23, 59–67.

zon Line" and withdraw its troops from the area in dispute. Poland's acceptance was on condition that Russia did not invade the disputed area, which at the time was but a remote contingency. If this plan was accepted by the two states the Council would appoint a commission to visit the region affected to see that the agreement was kept. The report of this compromise caused great satisfaction in the Council where a vote of approval was passed. It ended with a speech by M. Paderewski at the close of which he shook hands with Professor Voldemar whom he called his newly discovered "colleague." This moving scene drew from M. Léon Bourgeois, the President, the remark that the decisions of the Council in this and the Aaland-Island case, neither of which was then near its determination, "would convince public opinion of the growing moral authority of the League of Nations." [1]

At that time the fruits of these labors seemed all that M. Bourgeois thought them. A competent neutral commission appointed by the League appeared in Poland and induced each state to move back six kilometres within the "Curzon Line," and October 7 an agreement of this kind was accepted by both states at Suwalki. Matters seemed most promising, when suddenly there was a shift in the wind and a new tempest came crashing down on the scene.

The first cause of this violent change of the situation was the collapse of Russia's war against Poland, in which Poland recovered her confidence and by which the military party acquired wide influence in Poland. By the Treaty of Riga, October 12, 1920, Russia ended the

[1] *Minutes of the Council*, 9th Session, pp. 35, 65, 67.

war and ceded to Poland the territory she had ceded to Lithuania on July 12. Disappointing as this was to Lithuania, it was not an insuperable obstacle to peace, for she was too weak to dispute the power of Poland triumphant. So with that state fortified by the possession of a freshly signed Russian treaty it is likely that, in the absence of other disturbing facts or events, she would have submitted and the provisional line recently adopted would have given way to the line of the Treaty of Riga. Another such disturbing event did, in fact, happen; and it made a vast difference in the state of the Polish-Lithuanian question as it then stood before the League of Nations.

3. *The Coup d'État of General Zeligowski*

The agreement of Suwalki was made on October 7 to go into effect on October 10, which was two days before the Treaty of Riga was signed. October 9 General Zeligowski, a Polish officer, acting ostensibly without the authority of the Polish government, led a large body of irregular Polish soldiers into Vilna and set up his authority there. He announced his belief in the principles of self-determination and claimed that Vilna was Polish by race and by desire. The government at Warsaw on October 12 made a verbal disavowal of Zeligowski's action and declared that he had acted as a rebel, but they also gave notice that they would resist the attempt of any other power to drive him out of Vilna pending an expression of the will of the city in a plebiscite. Zeligowski lost no time in improving his initial gains. He organized Vilna and a large surrounding region into a

government, calling it Central Lithuania, and proceeded to rule it as an independent state. From Poland he received a large quantity of armored cars, tanks, and other military supplies, but it was not possible to say that he got them from government arsenals. His army grew in numbers, many of his recruits coming from Poland, though it suited his purpose to have it appear that the increase of his forces represented the enthusiasm with which the natives welcomed his arrival. In this way his strength grew daily and as it grew his defiance became more emphatic.

This development put a new phase on the Polish-Lithuanian dispute then before the League. President Bourgeois, in the Council, protested to Poland that it was a violation of her agreement with the League. M. Askenazy, clever and relentlessly practical, now replaced Paderewski as Poland's representative, and at the 15th Session of the Council, November 16–19, 1921, he undertook to reply in behalf of his country. The Treaty of Riga, he said, had entirely altered the boundary controversy; for it had fixed a boundary for Poland, and if a little time was allowed Lithuania would agree with Poland. He indicated that the fate of Vilna would be settled through a plebiscite taken by General Zelikowski. He reminded the Council that the dispute referred to it dealt solely with a temporary boundary, and as this was obviated by making a permanent boundary at Riga there was nothing before the Council. The Vilna incident, he said, entirely distinct from the boundary dispute, was not before the Council.

M. Bourgeois said in reply that if the Council asked Poland to respect the neutrality of the disputed region

in time of war there was all the more reason for her to respect it in time of peace; and he added that "it was, moreover, inadmissible that when two States had submitted a dispute to the League of Nations, one of the parties should on its own motion withdraw." M. Askenazy had little of the diplomatic manner, but he was clever enough to see that he had made a mistake in telling the Council, in effect, that it was going beyond its authority; and he asked, and was allowed, to amend his statement. It now read that in consequence of the Treaty of Riga the case submitted to the League by Poland on September 5, 1920, had "undergone essential modifications." The correction made, the Council turned to a consideration of the means of settling the fate of Vilna; for that was the thing most in need of settlement.

In the controversy both sides had spoken of a plebiscite. The Council did not object to a plebiscite properly held, but it had no intention to authorize one like that held in Eupen and Malmedy. It made it clear that no such action could take place in the presence of an army, and that Zeligowski's troops would have to disband and leave Vilna in the hands of a civil government before a plebiscite could be taken. Askenazy here pointed out that most of this army had or claimed rights of citizenship in the Vilna region and if the force was disbanded they would claim the right of voting anyway. In the long series of offers and counter-offers that followed in this affair Poland never in any material sense departed from this position. She never admitted that General Zeligowski was under her authority, yet she never ceased to give him all the protection in her power,

and eventually she gave him full recognition and took over the fruits of his illegal action.

4. *Plebiscite or No Plebiscite?*

The acceptance of the plebiscite by the Council with the understanding that it would be executed under League supervision and without the presence of Zeligowski in Vilna was the best that could be done under the circumstances. It was provided that in accepting this plan Poland and Lithuania must agree that the inhabitants were to vote freely in the proposed plebiscite and that the Council should have control of the railroads in the area concerned and the right to remove or disarm all the forces therein—Polish or Lithuanian. The two representatives agreed to present these suggestions to their governments and gave assurances that they would be kept pending a settlement.[1] In these proceedings it must be remembered that the Council had no other authority than its moral influence. Its function was to bring the power of persuasion to bear on the two states, in each of which existed deep suspicion of the other and a mutual fear of being hoodwinked. And behind each group of negotiators was a very strong national spirit which no political leaders dared oppose.

For some weeks after the 10th Session of the Council things remained serene, and the 11th Session (November 14 to December 18, 1920) feeling encouraged, it began to make plans for executing the plebiscite. A Civil Commission, composed of representatives of Belgium, France, Great Britain, Italy, and Spain was ap-

[1] *Minutes of the 10th Session*, pp. 39–43, 47–51, 281, 283.

pointed and sent to Vilna to take over the situation there. At the same time a force of 1500 men was ordered, made up of contingents from several nations in such a way that it contained troops from States not represented in the Council. This action was taken so as to give the force a thoroughly League character.[1] It was understood that it would be very difficult to get Zeligowski out of Vilna, but things seemed to go well when after much delay General Pilsudski and Prince Sapieha, two prominent leaders of the military groups then directing Polish politics, appeared in Paris before a committee of the League and pledged their words that the last of this force should leave Vilna as soon as the proposed International Force entered that city. The apparent complaisance of Poland lent color to the hope that a settlement would be reached.

While these things happened the Lithuanians got a case of "nerves." Professor Voldemar, much alarmed, appeared before the Council on December 6, 1920, to announce that Russia had reminded Lithuania that by the Treaty of Moscow, July 12, 1920, foreign troops were not to be allowed to enter or remain on Lithuanian territory. This stipulation, he said, would make it impossible for her to admit the joint force to the territory she claimed even though the force was necessary for holding the plebiscite.

This speech produced wry faces in the Council and Voldemar had to answer some stiff questions. Why had he not mentioned this treaty restriction before? M. Hymans, presiding over the Council, read him a lecture

[1] *Minutes of the Council*, 11th Session, pp. 6, 9, 10, 12, 14, 16 19, 21–25, 29, 39, 46–68.

and in conclusion told him to tell the Soviet Government about Lithuania's engagements with the Council and to make it clear that the Council's one aim was to preserve peace. It is not likely that Lithuania's alarm proceeded so much from a fear of what Russia might do as from a suspicion that Poland's apparent acceptance of the plebiscite meant that she expected it to be held in her interest. She seems to have believed, also, that certain states represented on the Council would lean to Poland. Thereupon, she discovered a great aversion to a plebiscite and began to talk of the advantages of arbitration.

Voldemar's disturbing announcement caused the delay of the departure of the International Force, then about ready to start. December 20, 1920, the League sent a plain letter asking Lithuania to say once for all if she meant to carry out her part of her agreement in which she had accepted the plebiscite. By January 21 no reply had come and the Council sent another letter, demanding an answer in ten days. It came on the tenth but was not satisfactory.

Evidences of her opposition multiplied. When the Civil Commission wished to repair the Vilna-Orany Railroad as a means of carrying Zeligowski's army away, she objected, saying that to repair it would give him the means of returning, and let him go the way he came: it was open. She also refused to show the Commission the muster-rolls of her effective army and she refused to agree to withdraw from her frontier one of her regiments for each regiment sent off by Zeligowski. She now wished to extend the region to which the plebiscite was to apply, and to exclude the city of Vilna from it.

All these facts were brought out by M. Bourgeois in the Twelfth Council, February 21 to March 4, 1921, in summing up the conduct of Lithuania. He closed by saying that by her unnecessary objections Lithuania had "hindered the action of the Council and thus supplied the Polish Government with a pretext for delaying the evacuation of Zeligowski's forces."

He was equally severe on Poland. "The evidence of the Commission," he said, "shows clearly that the facts of the case have never been in accordance with the assurances which this Council on several occasions received from this government's representatives," and he said he was disposed to think that Poland had "accepted the plebiscite only in the hope that it would be carried out under conditions which it would itself prepare and which would be favorable to it." Then he summarized the uncandid statements of that country with reference to the withdrawal or disbandment of Zeligowski's armies.[1] It is significant that these very pointed remarks touching the conduct of these two nations seem to have caused no notable excitement in their respective minds.

M. Bourgeois' speech before the Council [2] was perhaps intended as an appeal to public opinion and an explanation of the failure of the League to settle this irritating

[1] Colonel Cardigny, head of the Civil Commission, when before the Council, said that the demobilized soldiers of Zeligowski's command were allowed to retain their arms. He explained the status of this force by saying that if Russia made an attack these troops would be under the orders of the Polish General Staff, "but when resisting the Council of the League of Nations they were under the orders of General Zeligowski." *Minutes of the Council*, 12th Session, p. 15.

[2] *Minutes of the Council*, 12th Session, pp. 98–100. See also the report of the Committee of Three, ib. pp. 94–97. This subject was discussed in the 12th Session at various times. See *Minutes*, 14, 18, 30–34, 37, 94–102.

dispute. He placed the responsibility clearly on the shoulders of the contending states, as though he was getting ready to have the Council wash its hands of the whole matter. "It is," he said, "for the Council to-day to confront the representatives of the parties concerned with the question whether it is really possible to carry out an undertaking which they have accepted, if each of the two parties seems to oppose a continual resistance to its success."

5. *The Futile Conference at Brussels*

The remarks of M. Bourgeois indicate that he, for one, was willing to give up the case; but there were other members of the Council who wished to make one more effort at adjustment, and in that way originated the Brussels Conference which met April 20, 1921. Mr. Balfour, speaking on this point, said, as the Minutes report: "It was a scandal to civilization that the result of the Great War, which had the effect of liberating Poland on the one side and Lithuania on the other, should, as it were, die away and lose itself in a morass of trivial controversy, because these two liberated nations found it impossible to live together in spite of near neighborhood and in spite of ancient history." As a last effort to reach a result he proposed that the representatives of the two states meet in Brussels, under the presidency of M. Hymans, with the firm resolve that they would not separate until an agreement was reached.[1] This procedure was in the nature of arbitration and was acceptable to Lithuania, who of all things

[1] *Ibid.* pp. 33, 34.

wished to avoid a plebiscite. Poland clung to the idea of a plebiscite, held under the authority of her own friends, but she finally agreed to attend the Conference.[1] The Council showed relief that the proceedings had not ended in complete failure. It was M. Hymans who had least reason for rejoicing; for his labors as head of the proposed conference were sure to be heavy and his success was doubtful.

The Brussels Conference met April 20, and sat in its first sessions until June 3, 1921. After some resultless debating M. Hymans, on May 20, brought in a plan by which two autonomous districts were to be created, one out of the region around Vilna, and the other out of the remainder of Lithuania, lying around Kovno. These districts were to have powers like the Swiss cantons, each with its own Diet. Each was to be sovereign but bound together in a "Council for Foreign Affairs" composed of three members from each canton. The Council was to deal with the "foreign policy and common interests" of the two cantons, but its decisions must be approved by each Diet. The two were to agree between themselves on a common military policy and by a joint Council to study and decide upon common economic questions. It was also provided that Poland should have free access to the sea through the territories of each.[2] The capital of these united cantons was to be Vilna. Poland and Lithuania were asked to accept the plan as a basis of discussion. The second complied, the first ac-

[1] The Council also insisted that Poland should reduce Zeligowski's force to 15,000 men who were to be under Poland's authority and that the Lithuanian troops should be drawn back into the interior. It was provided that the existing civil administration should be maintained in the disputed region and that the Military Commission should continue to execute its military functions.

[2] *League of Nations, Monthly Summary*, I. (July 1921), p. 12.

cepted but asked that Vilna be allowed to take part in the negotiations, a demand which Hymans did not feel himself authorized to accept. This agreement seemed to be the basis of harmony and when Hymans reported it to the Council on June 28, it was unanimously approved. The Council directed Hymans to call the Brussels Conference into session again on July 15 and proceed with the negotiations.[1]

The compliance of Poland was surrounded with many reservations of her rights and the rights of the people of Vilna, but it had one element of hope: she reported that she had ordered Zeligowski to take steps looking to the reduction of his army in accordance with the demands of the League. In Lithuania the Hymans scheme produced violent protest. She said she had entered the negotiation as a sovereign state: she now faced the prospect of being reduced to a canton, existing side by side with the other canton at Vilna. She rejected the plan in a haughty manner and demanded the enforcement of the Suwalki line of October 7, 1920.

Hymans was greatly disappointed but he did not give up his efforts. He got the Conference together on August 26, at Geneva, and there he pacified Lithuania by making his scheme read that the province of Vilna should be an autonomous canton under Lithuanian supervision. By thus saving the *amour propre* of one side he awakened the antagonism of the other. Poland objected that the change made in the plan of May 20 completely altered its character and refused to accept it. The first plan, said Askenazy, was based upon "federal-

[1] *Minutes of the Council*, 13th Session, pp. 55, 56, 63, 64, 258–260, 270, 271. See also *Journal of the 2nd Assembly*, pp. 192–198, where Hymans summarized the progress of the case.

ization, the cantonal system, and the Swiss system": the second was based upon absorption and by it the canton of Vilna, instead of being fully sovereign would only be administratively sovereign. Hymans replied, and the Council agreed with him, that the second plan was essentially the same as the first. Poland did not agree, nor did Lithuania agree, if we are to judge by the satisfaction with which she accepted the second plan. At any rate, all hope of getting Poland and Lithuania to come to an agreement now vanished and when Hymans reported the situation to the Council on September 19 and 20 with the suggestion that the case be referred to the Assembly, the Council agreed unanimously, at the same time expressing its approval of the way he had conducted the Brussels Conference.[1] It was evidently glad to place on other shoulders a task which it found impossible to execute.

The Assembly, however, was not willing to go into the matter again but passed unanimously resolutions giving approval of all the Council and Hymans had done in the matter and calling upon the two states to reach an agreement in the interest of peace. It was the general opinion in its circles that another investigation in detail would be profitless.[2] From the beginning the problem of the League had been to bring about reconciliation and a good understanding between Poland and Lithuania and as long as Zelogowski remained in Vilna that reconciliation could not be achieved.

Mr. Balfour, speaking in the Council on September 20, 1921, said: "To this day it is very difficult, even

[1] *Minutes of the Council*, 14th Session, Part II, pp. 85–98, 102–111.
[2] *Journal of the 2nd Assembly*, 1921, pp. 192–198.

for the most impartial spectator of events, to know precisely what the attitude of the Polish Government is to the ex-Polish general. Is he a rebel deserving military sentence? Is he a patriot deserving the patriot's crown? We know not. Whenever the exigencies of debate require one answer to that question, that answer is given: when they require the other answer, the other answer is given. But the fact remains that in spite of all protests made by the Council, formally and informally, General Zeligowski and his troops are still in possession of the disputed territory." [1]

The Council did not renew its efforts to make peace. January 13, 1922, it ordered the withdrawal of the Commission of Control from the disputed area but took steps to avoid an outbreak of war by getting both sides to recognize a neutral boundary zone pending a final settlement. In this crisis the Conference of Ambassadors came to the rescue by acknowledging the *de facto* situation. March 5, 1923, it adjusted the boundaries of Poland, following in general the line of the Treaty of Riga, 1920, by which Vilna went to Poland. The Conference of Ambassadors was the successor of the Supreme Allied Council, which represented the Entente Powers. Now it was these Powers that had made the Polish-Lithuanian dispute possible, by setting up Poland without giving her the proper boundaries. It was, therefore, eminently proper that the Council of Ambassadors should come to the rescue.[2]

[1] *Minutes of the Council*, 14th Session, Part II, p. 107.

[2] The Lithuanian Information Bureau, of London, published under the title *The Lithuanian-Polish Dispute* in three small volumes, 1921, 1922, 1923, a mass of correspondence with the League. It chiefly contained statements and charges tending to show the mistreatment of Lithuanian people living in the disputed region, now in Polish hands. These volumes take the story to the decision of the

It may be asked what good was the interference of the League? It probably prevented war for the time. In 1920 when appeal was made to the League Poland and Lithuania were in a state of mind to go to arms over Vilna as soon as peace was made with Russia. The result of such a conflict is not to be doubted. It is probable that the Zeligowski incident would not have occurred if that process had been employed. But the result would have been no less certain; for Vilna would have been ceded by a Russo-Polish treaty and occupied by a Polish force, if Lithuania had defied the treaty. It seems, therefore, that although the attempt of the League failed of its purpose and did not modify the final disposition of Vilna, it at least prevented the outbreak of war over that matter.

6. *The Acquisition of Memel*

The decision of the Conference of Ambassadors was protested by Lithuania, who considered herself "in a state of war" with Poland, though no actual fighting had occurred since the interference of the League in 1920. In 1926 many people felt alarm when she made a convention with Russia, seeing in it the precursor of a larger amount of Russian influence in that part of Europe. But up to this writing nothing has followed to justify the fears then raised. Lithuania has shown a quiet disposition with reference to Poland, probably due to the fact that she looked on the acquisition of Memel in 1923 as partially compensatory for the loss of

Conference of Ambassadors of March 5, 1923. In volume III, pp. 95–134, are found letters relating to the assignment of Memel to Lithuania.

Vilna, but she has not acquiesced in the loss of Vilna.

Before the war Memel belonged to Germany, who gave it up to the Allies in the Versailles Treaty and agreed to accept whatever disposition they made of it. The Supreme Allied Council delayed the decision. They expected to give it to Lithuania but thought it better to make no announcement until the Polish-Lithuanian dispute was settled. The town, in fact, was important to each of these two nations, since it lay at the mouth of Niemen, which drains and furnishes river transit to large portions of each country. Pending final decision Memel was administered by French military authorities; but France had no permanent plans in that quarter and wished to get her troops out as soon as possible.

Early in the year Lithuania began to suspect that Poland was scheming to get a strong hand in Memel, and on January 15 she moved to forestall it. In the night, by a *coup d'état* like that of Zeligowski at Vilna, a body of irregular Lithuanian troops took over the city and established a provisional government. The occurrence induced the Conference of Ambassadors, now speaking for the Entente allies, to come to a decision about the town's future. They had no trouble to decide that Memel should go to Lithuania, but it must have autonomy and be internationalized. Upon the details of this process Lithuania and Poland, each suspicious of the motives of the other, could not agree. Then the Conference handed this phase of the matter over to the Council of the League, which set up a special Commission, with Mr. Norman Davis, of the United States, as Chairman, to arrive at conclusions covering the points

at issue. The Davis Commission made an investigation on the spot and its report, approved by the Council, was accepted by Poland and Lithuania in an agreement signed May 8, 1924. It awarded to Lithuania full sovereignty over Memel, but assured to that province a large portion of autonomy in executive and legislative matters; and the port of Memel was made an international port.

The Polish attitude with respect of Zeligowski and related matters caused many people to look askance at France. They supposed that she gave quiet support to Poland, her ally and friend, and they felt that she could have saved the situation by putting moderate pressure on the Warsaw government. Against this view one must place the attitude of M. Léon Bourgeois and M. Hymans on the controversy. In their outspoken comments on Poland's conduct there is evident no disposition to protect her.[1] Besides, we must remember that the art of managing allies is exceedingly delicate. How far could France be expected to go in holding back Poland in a matter on which the Polish people had set their hearts? Poland was very often before the Council in the capacity of defendant. If France had consistently sought to restrain her, she would have had her hands full, and at the same time she would have endangered the existence of the alliance. There is reason to believe that she wanted a reasonable settlement at Vilna, but that her ally was too headstrong to be held back.

[1] *Minutes of the Council*, 13th Session, pp. 65, 66.

CHAPTER V

THE FIRST ASSEMBLY

1. *Organizing the Assembly*

THE first Assembly of the League of Nations was in session at Geneva from November 15 to December 18, 1920, forty-one states [1] being represented when it met. The meeting brought a large number of officials to the Swiss city; for the delegates, secretaries, and experts of one kind and another numbered 406. Among the delegates were several men who had been members of the Council, as Messrs. Balfour, Fisher, Léon Bourgeois, Hymans, da Cunha, Quiñones de Leon, Caclamanos, and Tittoni, and Viscount Ishii. Equally important with them, but without service on the Council, were men like, MM. Viviani, Paderewski, Benes, and Branting, and Viscount Robert Cecil. It was a body of able men who had acquired much political and administrative experience in their own states, and who were not likely to attempt more, nor less, than the occasion required.

[1] They were: South Africa, Argentine, Australia, Belgium, Bolivia, Brazil, the British Empire, Canada, Chile, China, Colombia, Cuba, Denmark, Spain, France, Greece, Guatemala, Haiti, India, Italy, Japan, Liberia, Nicaragua, Norway, New Zealand, Panama, Paraguay, Netherlands, Peru, Persia, Poland, Portugal, Rumania, Salvador, Jugoslavia, Siam, Sweden, Switzerland, Czechoslovakia, Uruguay, and Venezuela. At the Assembly's first meeting the following were admitted: Albania, Austria, Bulgaria, Costa Rica, Finland, and Luxemburg.

It should be remarked, also, that this First Assembly did a most important thing when it decided to meet annually. Most people had assumed that it would meet occasionally and when called, as the Hague Convention had met. But when the assembly decided on annual meetings it made it certain that the states in the League would once a year go over their common problems and discuss, if not settle, them before the eyes of the world.

M. Hymans, acting in accordance with a vote of the Council, called the Assembly to order and recognized the President of the Swiss Republic who delivered a speech of welcome. Then credentials were verified and the Assembly chose its first President, the honor going to M. Hymans. The next thing done, and the first in the nature of deliberation, was to order a wreath placed on the tomb of Jean Jacques Rousseau. Following that a congratulatory telegram was sent to President Wilson and the Assembly was ready for business. Before it could begin Mr. Doherty, of Canada, rose hastily and much perturbed. He admitted that he should have arisen earlier, but he thought it not too late to go on record: and he wished to say that the Canadian delegation wished it recorded in the minutes that they were opposed to the proposed tribute to Rousseau. He left his hearers to imagine on what grounds, political, religious, or otherwise, the name of Rousseau caused him and his friends so much distress.

The length of the *agenda* prepared for the Assembly by the Council indicates how seriously this infant body was regarded. It contained twenty-nine items with seven others added after the Council last met. They related to such business as mandates, the Permanent

Court of International Justice, and economic and financial organization. To give proper early consideration to affairs six main committees were created, with an able chairman at the head of each. M. Hymans, President of the Assembly, directed the debates skilfully, cutting off tactfully some of the discussions that promised to be long-winded. There were, however, many futile speeches. For example, one of the members—and by no means the least well-known—was alarmed at having to refer to the Committees by number and wished them to have titles, adding: "In this way we shall know to which committee we belong without having to refer to all these numbers."

These Committees were as follows: 1. On Constitutional Questions. 2. On Technical Organizations. 3. On a Permanent Court of International Justice. 4. On Organizing the Secretariat and the Finances. 5. On the admission of new Members of the League, and 6. On Mandates, Armaments, and the Economic Weapon.

Each member state was to have one representative on each committee, recommended by the state's delegation, and approved by the Assembly. Each committee elected its own chairman and the six chairmen became Vice-Presidents, who, with six Vice-Presidents elected by the Assembly, made up the General Committee of the Assembly. It was tacitly agreed that at least three of the Vice-Presidents should belong to non-European states.[1] The proceedings indicate the utmost care taken to avoid antagonisms.

Early in the meeting, Lord Robert Cecil started a spirited discussion over publicity. He moved that

[1] *Records of the First Assembly*, pp. 66–74.

each Committee should decide what portion of its discussions should be in private, but that in general the proceedings should be public. M. Tittoni, of Italy, protested, saying it was not well to go against a practice almost universally followed by parliaments. He desired publicity as much as Lord Cecil, but he thought it was sufficiently obtained by publishing the reports of the Committees. The matter was at length compromised in such a way that Lord Cecil professed himself satisfied. It was voted that each Committee should keep minutes of its discussions which should be published as soon as possible and always accessible to the members of the Assembly.[1] In actual practice these meetings are public.

2. *Report of the Secretary-General on the Work of the Council* [2]

The Assembly quickly came to consider the Report on the Work of the Council, laid before it by the Secretary-General. It seemed to mean to pass it under review as an ordinary parliament reviews and even modifies, the action of the executive. In this Assembly we find the report called "The Report of the Council." But the term was not exact, since the Council did not recognize that it was obliged to report to the Assembly; nor did the Assembly feel warranted in exercising a reviewing right over the work of the Council. In subsequent Assemblies the term used is "The Report of the Secretary-General on the Work of the Council." As usage has

[1] *Records of the First Assembly*, pp. 74–80.

[2] The text of this Report is in *Ibid.*, pp. 101–132.

become fixed it is seen that the Assembly may, and does, go over carefully the more important matters disposed of in Council, partly to express its opinion of them, and partly to present the subject to public opinion. And it is evident that the knowledge that the proceedings are to be thus ventilated has a tendency to put caution into minds of the Council.

The debates of the First Assembly were often desultory but generally enthusiastic. There was not a great amount of specific business to pass judgment on, and so the speakers wandered a little. As the speeches had to be translated immediately after delivery there was much inattention and some confusion on the floor.

It was somewhat in this spirit that M. Pueyrrdon, of Argentina, made an important speech, without particular reference to anything before the Assembly. He began by trying to remove any possible idea that his country was unduly pro-German during the war and ended by suggesting an amendment which, if adopted, would have altered the character of the Covenant. It was, he said, ever the Argentine idea that "Victory confers no rights," and that war should not be waged for the collection of debts. He then turned to Germany's unrestricted submarine warfare against which his country protested. Again she protested when her ships were actually sunk, with the result that Germany promised to sink no more Argentine ships, a promise she kept. These facts, he added, were mentioned to put them on record; and that they might serve "as judicial precedents for the progressive codification of the law of nations, a task," he thought, "which necessarily falls to the League of Nations."

Without any further reference to these points he observed that the strength of the League lies in having within it all the nations of the world, and he wished to make the Covenant read that all the nations should be members of the League unless and until they specifically declined to join. His purpose seemed to be that the adoption of his idea would make it easy for Germany to become a member. He spoke, also, against the existing organization of the Council and wished all its members elected by the Assembly. He still further laid down a programme of action desired by his country, including a Permanent Court of International Justice, and a permanent organization for economic cooperation. These ideas he advanced in his speech but he supported them with no motion.[1]

His suggested reform was in reality a proposal to amend the Covenant and differed from several other such proposals only in the fact that it was much more radical. The Assembly, following its usual practical policy, did not think it wise to begin to remake the Covenant until it was known how it would work as it was. It therefore voted to refer all the proposed amendments to a Committee to report in 1921. On this motion all the States voted "aye" but Argentina and Paraguay. Two days later, December 4, Argentina withdrew from further participation in the Assembly's proceedings. Pueyrrdon justified her action on the ground that she desired immediate revision of the Covenant in accordance with the "ideals and principles which Argentina has always upheld in international af-

[1] *Records of the First Assembly*, pp. 87–92, 261.

fairs and from which she will never deviate." [1] This action, which was, perhaps, chiefly an expression of the personal views of her representative, produced solemn faces in the Assembly. None of the other states offering amendments demanded that they be considered at once; and after a moment's reflection it was possible to draw comfort from the fact that Argentina had not given notice of withdrawal from the League but had only withdrawn from participation in its affairs.

The annual reports on the work of the Council are summaries of what the League does year by year. For this first year the report is especially interesting through showing how broad was the scope of League activity. It summarized such important things as the Aaland Islands and the Polish-Lithuanian disputes, already treated in these pages, and it recounted the steps taken for creating the Permanent Court of International Justice, the action taken to repatriate prisoners of war from lands under Soviet control, the action in reference to a mandate or other control over Armenia, and the recognition of Switzerland as a member of the League without surrendering her ancient neutrality. It reported on its work in providing for the civil administration of Danzig and the Saar Basin. It also reported the creation of several Commissions and Committees of a more or less technical nature, as a Permanent Organization on Communications and Transit, a Permanent Health Office, a Committee on the Traffic in Women and Children, a Permanent Economic and Financial Organization and a Commission on the Co-ordination of International Sta-

[1] *Records of the First Assembly*, pp. 261, 276–279.

tistics. These technical measures appealed but slightly to the imagination of the public but their importance was recognized by the Assembly. Under health activities successful efforts were made through the establishment by the Council of an International Commission to work in co-operation with Poland to check the spread of typhus in that country. This disease was brought under control and its extension to other countries was obviated before serious ravages occurred.

Much interest was felt in the Assembly about the action of the Council on minorities. The recent readjustment of boundaries left many small sections of aliens within the limits of existing states and it was desired that they should be protected against the injustice of the majorities. The peace treaties gave the League the function of supervising such cases in Turkey, Bulgaria, Austria, Greece and Poland. To the Council it fell to set up the supervisory machinery, and its action in such matters was reported to the Assembly. In the course of time this subject was to take up much of the thought of the Council.

The attention of the Assembly was also called to the action of the Council in dealing with an appeal from the King of the Hedjaz, not within the League, who complained that representatives of France had arrested some of his subjects unjustly, and he wanted an inquiry conducted. The Council refused to take up the matter on the ground that until a treaty was signed with Turkey Syria was theoretically a part of Turkey. The appeal, however, was sent to the French Government as a matter of information merely. This disposal of the affair displeased many people who said that the League

had shown a fear of criticizing a great power, thus avoiding a plain duty. On the other hand, many others approved of the prudence the Council had shown in its unwillingness, at a time when the League was still in its infancy, to risk a clash with so powerful a state as France. It must be remembered, also, how difficult it would have been to adopt any course in derogation of French conduct with France exercising a vote in a body whose decisions must be unanimous. Sensitive as the Assembly was about preserving what was called "the League spirit," it made no open protest against the Council's decision.

3. *The Assembly and the Council*

In due time the Assembly took up the Council resolutions on the relative powers of the Council and Assembly, to which reference has already been made in this book.[1] It sent them to Committee No. 1, on constitutional matters, Mr. Balfour, Chairman, where they were handed over to M. Viviani and Mr. Rowell, as *Rapporteurs*. Their report, approved by the Committee without objection, was discussed in the plenary session of the Assembly on December 6 with the result that the following resolutions were adopted:

"(*a*) The Council and the Assembly are each invested with particular powers and duties. Neither body has jurisdiction to render a decision in a matter which by the Treaties or the Covenant has been expressly committed to the other organ of the League. Either body may discuss and examine any matter which is within the competence of the League.

"(*b*) Under the Covenant, representatives sitting on the Council

[1] See above pp. 48–51.

and the Assembly render their decisions as the Representatives of their respective states, and in rendering such decisions they have no standing except as such Representatives.

"(*c*) The Council will present each year to the Assembly a report on the work performed by it." [1]

The most notable thing about these resolutions is the way in which they avoided any quarrel with the Council, and this happy outcome was due in a considerable measure to the influence of Mr. Balfour, who added to a strong personality the fact that he was a leading member of the Council itself. He offered the Assembly this advice: "The less we attempt to formulate in explicit language the precise functions which the Council and the Assembly are respectively expected to perform, the better for the future of the League. Let us substitute for any such formalism of our respective duties a resolve to deal with any difficulties between the Assembly and the Council, not according to prearranged rule, but according to the dictates of tact and common sense, treating each case as it arises on its merits." [2] The resolutions were accepted by the Assembly with a unanimous vote.

The report of the *Rapporteurs* contains certain passages that help us to understand the attitude of the members of the Assembly. Sir Saiyid Ali Iman, of India, had said: "In certain quarters there is an idea that the Council is the power and that the Assembly is the pageant." To correct this impression, which undoubtedly existed in the popular mind, the *Rapporteurs* pointed out that it was impossible to consider the Assembly as a Chamber of Deputies and the Council as an

[1] *Records of the First Assembly*, I, 281–303, 318–320.
[2] *Ibid.*, I, p. 319.

Upper Chamber, since the Covenant does not require that measures passed in one body shall be considered in the other, and since each body can do things the other cannot do. They also pointed out that it was impossible to look upon the Assembly as the legislature and the Council as the executive of the League, for the Assembly has executive as well as legislative duties. "The truth is," they added, "that the League of Nations has no analogy to ordinary constitutional law. Article 2 of the Covenant provides that the action of the League shall be effected through the instrumentality of an Assembly and a Council. It follows that the League is a single organism which has at its disposal two organs, whose distinct or similar attributes must now be considered." The adoption of the report removed the subject from the field of discussion with happy results for the future of the League.[1]

4. *The Admission of New States*

A number of applications for admission to membership in the League were before the First Assembly. They were sent to the Committee on that subject and in time favorable reports came back on the requests of five of the states; Austria, Bulgaria, Finland, Costa Rica, and Luxemburg.[2] The Committee advised that Armenia, Esthonia, Latvia, Lithuania, and Georgia, all of whom were applicants, should not be admitted at once but should be permitted to appoint delegates to the Technical Organizations of the League. Other states

[1] For the report of the *Rapporteurs* as adopted see *ibid.* I., 318–320. For the debate on it see *ibid.* I, 281–303.

[2] *Ibid.* I., 406, 561–652, 664–670, 732.

applied that were in neither class. The Committee avowed that it went on the principle that "all free states, who give adequate guarantees of their sincere intention to fulfil their international engagements, should be admitted to the League." After a debate in which most of the participants favored the report, the first group of five states were admitted to membership. After another spirited discussion the recommendation as to all of the second group but Armenia was adopted. Albania's admission was not recommended by the Committee, but it was voted by the Assembly as the result of an able argument by Lord Robert Cecil supported by other members of the Assembly.

The refusal of membership to Esthonia, Latvia, and Lithuania was placed by the Committee on the ground "that the circumstances are such as to preclude the Assembly from arriving at a definite decision." This indefinite statement was assailed vigorously in the debate. It was conceded that they had settled governments and definite frontiers except as to Lithuania whose boundary dispute with Poland was then thought to be in a fair way for adjustment. What else, said the critics, was demanded? The real reason was the unsettled state of Russia, who, under certain conditions, might demand the restoration of territory which she had held before the World War. M. Viviani, a member of the Committee, noticing the warm appeals being uttered by advocates of suffering nations, began to throw cold water, which was not his usual habit, saying with "loud applause":

"There is in the Covenant a certain Article which has been often mentioned, and which is called Article 10. This Article imposes

a duty on us when we hear that a Member is in danger. Under the terms of Article 10, we must come to its assistance. As we do not desire to deceive nations, as the worst policy is to foster illusions in the public mind, to make people believe that they will be succored when such will not be the case, those who do not think that they will be able to come from the ends of Europe to help these nations, vote, as France has voted, and as I shall vote, for the plan of the Committee, that is to say for their admission into the Technical Organization. But I hope that there will arise out of this debate, if not some collective, at least some individual action, and that those who desire the unconditional admission of the Baltic States will apply Article 10 in the case of their own countries; and, if necessary, come to the assistance of the nations which are threatened." [1]

As soon as the applause died away the President put the question, and out of 42 states 5 voted for admission,[2] 27 against it, and 10 abstained or were absent. Italy was the only large European state for admission. Thus the practical side won, and the League was not so placed as to invite a clash with Russia. A year later Esthonia, Latvia and Lithuania were admitted; but at that time Poland with French aid had defeated Russia and the Russian danger had diminished. Armenia's application was taken up but it was not granted because at this time she accepted, unwillingly, the protection of Russia.[3]

Three of the states applying for membership, Austria, Bulgaria, and Germany, had been enemy States during the war. No disposition appeared to keep Austria and Bulgaria out on that ground; but the case was different with regard to Germany. M. Motta, President of the Swiss Republic, argued for her admission, but hopelessly; for in general it was not thought that the time

[1] *Records of First Assembly*, I., p. 626.

[2] They were Colombia, Italy, Paraguay, Persia, and Portugal.

[3] See above, p. 51.

for such a step had come. The debate evoked a glowing protest from M. Viviani. Germany, he said, would enter the League "when she has given, in accordance with the letter and spirit of Article 1 of the Covenant, adequate guarantees of her sincere intention to fulfil her obligations." The applause with which his speech was received indicated how little Europe was then ready to wipe out past hatreds in the hope of building an era of confidence in their places.

The student of United States history well knows how deeply strike the roots of popular resentment when the penalties of war are enforced by persistent interference with the civil life of the vanquished. The Assembly of the League of Nations had not read our history deeply on that point, or if they had read it, they did not dare apply its lessons. As it proved, Europe had to climb up the hill of resentment and then down again on the other side.

5. *The Assembly and the Statute of the Permanent Court*

The Covenant says, Article 14: "The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a Permanent Court of International Justice." This clause seems to make it clear that the plan for the Court would be prepared by the Council and on being approved by the Member States would begin to operate. It does not mention the Assembly, and yet that body played a most important part in the transaction, as we shall see. I can only explain it on the ground that the Council, as well

as others, recognized that the Assembly's fundamental force was stronger than its own, since its basis of representation was wider; and that it facilitated the action of the Assembly in the case in order to give the Court the strongest possible rootage in public life.

The Council, as has been said,[1] appointed a Committee of Jurists to prepare a draft plan. The report of this Committee looked toward three objects; a Permanent Court, a Conference to consider making a code of international law, and support for the Academy of International Law at the Hague, a project with which the League had no connection. The Council received the report in August, 1920, amended it slightly, and sent it to the Assembly, also referring it to the States for comment.

At the Council on October 27 the matter was brought up by M. Bourgeois, *Rapporteur*. He called attention to the criticisms that had been received from several states, pointed out the leading principles involved and reminded the Council that its members, not being distinguished jurists, were not perhaps willing to decide such a technical matter. He advised the acceptance of the report as it stood, with some minor changes, and its reference as a whole, with this formal approval, to "the consideration of the General Assembly at Geneva. The last word will be left for the states there represented, but it is our duty not to weaken the lofty significance of the draft drawn up with so much competence and care by our Committee of Jurists by hesitating to adopt this important and maturely considered work." It was in his mind that the plan—it became "the Statute" of

[1] Above, pp. 12–15.

the Permanent Court—would be put into effect by a protocol signed by the member states, and he said the Assembly should draw up this protocol. His motion was accepted by the Council, which thus handed over to the Assembly, with little of its own impress upon it, the task committed to it by Article 14 of the Covenant.[1]

In the Assembly the report went to Committee No. 3, of which M. Bourgeois, who had it in hand before the Council, was the chairman. In a brief discussion it had a friendly reception and a resolution passed expressing appreciation for the work of the Committee of Jurists. It was then referred to a sub-committee for a more critical examination, and in it the whole draft was carefully considered and revised as to details, but the main ideas were unaltered. The discussions in Committee, sub-committee, and full Assembly were so ample that they fill in each language, ninety-seven of the folio pages of the "Records of the Assembly." [2] They indicate the existence of a desire to keep the Court free from any political motives. It was especially desired that the appointment of the judges should be non-political, which meant that it should not fall exclusively to the member states.

The plan adopted provided that they should be elected by the Council and Asembly, each voting separately, from a list of jurists, nominated by three "national" groups formed or recognized for the purpose. Previous efforts to create an international court had

[1] *League of Nations, Official Journal*, I., 12–18, 20, 21, 318–321.

[2] *Records of the First Assembly, Committees*, 278–283, 334–408, 437–457, 478–501; and Plenary, 436–500. See also Manley O. Hudson's *Permanent Court of International Justice* (1925), chap. I.

broken down when it came to the choice of judges. Small states had objected to recognizing the superior power of great states and big states had refused to accept a plan by which they were to some extent at the mercy of the small states. By giving Council and Assembly the right of choice, each able to veto the action of the other, great states and small states felt themselves protected. This expedient was suggested by Mr. Elihu Root, of the United States, one of the Committee of Jurists who took the idea from the famous compromise of the large and small states in the Philadelphia Constitutional Convention of 1787.

As the discussion in the Committee neared its close the question of how the Court Statute was to be adopted came up. The words of the Covenant were clear that the plans must be submitted to the League Members for adoption. Fear was expressed that this procedure would create the impression that the Assembly lacked strength of its own. The Assembly met the difficulty by preparing a protocol to which the statute of the Court was attached. It was offered to the member states as a piece of business the Assembly had been directed to prepare for their use. To reject it would not reflect on the Assembly. In fact, fair assurance could even then be given that they would accept it, assurance not difficult to obtain because of the large number of high government officials of the member states who were at Geneva serving as delegates in the Assembly. The protocol was, in fact, readily accepted and when the Second Assembly met in September, 1921, more than a majority had ratified it, thus enabling that body to elect judges and inaugurate the Court.

6. *Work of the First Assembly*

Much had been expected from the First Assembly. Here, said the more earnest League advocates, were the representatives of public opinion assembled in an organic capacity, and here would be registered the popular desire to put bounds to the war spirit throughout the world. When the Assembly adjourned it was necessary to admit that much of this expectation was unfulfilled. Nor had the Assembly acted in great independence of the Council. How could it have done so, since among its most important leaders were the leaders of the Council? The same concepts of policy that men like Balfour, Bourgeois, Hymans, and Ishii had in one body they were likely to have in the other. Those members of the Assembly who were not also in the Council were named by their governments, the same bodies that named members of the Council. This form of appointment gave, of necessity, unity to the courses followed in the two bodies. And in each there was the same disposition to build the new out of the old, and to move forward cautiously, a thing which disappointed some people and aroused the jeers of others; but it made for stability.

In dissolving the Assembly, M. Hymans, its President, said:

"One idea has dominated this Assembly—the vital need realized by all nations in their hearts of putting an end to war. War is the greatest and most terrible of all scourges. We have just escaped from its dominion after it has caused infinite tears and bloodshed. Slowly and carefully we have examined every means by which we might avoid in the future the recurrence of such a

catastrophe. We have endeavored to organize a system of economic penalties, and we have created the International Blockade Commission. We have discussed and investigated the question of disarmament. It was especially significant that, although all the members of this Assembly were willing and anxious to help the world to throw off the burden of armaments, they were forced to realize that in the present situation of Europe it was impossible to put into effect an idea which we shall have to postpone until tomorrow. The world is still disturbed, clouds have gathered on distant horizons, and there are still nations, which, by reason of their political or geographical position, and because the League of Nations has not acquired that effective authority it will one day have, are obliged to take indispensable measures to guarantee their safety." [1]

[1] *Records of First Assembly*, I. p. 760. The official translation has been slightly corrected in this extract.

CHAPTER VI

UPPER SILESIA AND ALBANIA

1. *The Upper Silesian Plebiscite*

THE new state of Poland has proceeded by slow steps in the formation of its standards of political conducts and international manners. Let us say that the cause was the long period of mistreatment to which its inhabitants had previously been subjected by the powers ruling over them, rather than to any innate moral weakness. But it is a fact that in smoothing out the wrinkles of war in Eastern and Southeastern Europe the Great Powers have had more trouble with Poland, for whom as a nation they have done most, than with any other State.

Poland's course was to a considerable extent due to her relations with France. The traditional idea of the French people is that they are to be made safe by an alliance with some great State east of Germany. In the nineteenth century and up to the World War this idea found expression in the Franco-Russian alliance. The Soviet Revolution in Russia forced France to look elsewhere for support and she formed the idea of building up a strong Poland as a counterweight to Germany; and on this basis her policy has proceeded during the

last seven years. Reinforced by Belgium, she has thus been drawn into the support of Poland's schemes, even at times when apparently she did not think them wise.

Upper Silesia was one of the rich coal and iron regions of the German Empire and a valuable industrial and military asset. At the Peace Conference of 1919 Poland tried hard to have it assigned to her, urging that it formerly belonged to old Poland and that the majority of the inhabitants were Poles. The first draft of the treaty was so written; but when the German Commissioners saw it they objected. They showed that it had been 600 years since the province belonged to Poland and they denied that the majority of the inhabitants were Poles. The Peace Conference settled the dispute by directing (Article 88) that an Interallied Commission, supported by an Interallied force of occupation, should be sent to Upper Silesia and conduct a plebiscite to ascertain the wishes of the Upper Silesians as to their future. The result by districts was to be reported to the Supreme Allied Council which agreed to settle the boundary between Germany and Poland in accordance with the wishes of the people "and with consideration for the geographical and economic conditions of the inhabitants." The reader will observe that the Supreme Allied Council was not bound—from these words in the Treaty—to follow the result of the plebiscite exactly, but must take into consideration "geographical and economic conditions," a fact which the newspaper opinion of 1921 did not always consider.[1]

[1] Sidney Osborne has discussed this problem in two books: *The Upper Silesian Question and Germany's Coal Problem* (1920), and *The Problem of Upper Silesia* (1921). The second contains arguments on each side of the controversy and five maps.

The Interallied Commission was headed by a French general, with an Englishman and an Italian. They repaired to the scene speedily with an army of 11,500 French and 2,000 Italian troops. Order was established and preparations for a fair ballot were made at once. The Poles were confident of the result. They forgot that a large portion of the inhabitants were "Water Poles," people of Slavonic origin whose language was a mixture of Polish and German, long employed as laborers in German industries, uneducated and unresponsive to the ideal of Polish solidarity. As the time for voting approached the state of feeling became high and the attitude of the French troops was so warm that four British battalions arrived from the Rhine, in order to give the army of occupation more of the international character.

The plebiscite was taken on March 20, 1921. In all that was said about the subject later, little complaint was made of unfairness, although the voting was held under conditions of great confusion. The result was 716,000 votes for Germany, and 471,000 for Poland. The Germans carried thirteen of the seventeen administrative districts and the vote was close in only four of the thirteen—Lublinitz, Kattowitz, Beauthen and Hindenberg. In the other nine districts the German percentages ran from 64.5 to 95. The four Polish districts were Gross Strehlitz, Tarnowitz, Pless, and Rybuik.[1]

[1] Before the ballot was taken much was said about outvoters, that is, persons residing outside the disputed area and claiming domicile there. In this class were both Poles and Germans, and there is little doubt that each side made as much out of it as possible. It was a popular notion in Entente countries that the Germans tried to make strong illegal gains by means of it; but the event seemed to prove that such fears were exaggerated. The records show that 180,000 "outvoters" voted in the plebiscite and of these Poland claimed that only 25% were Poles.

These figures astonished the Poles who had been confident of a majority. They quickly recovered and advanced the claim that they should be given the districts they had carried, a position disputed by Germany who thought a majority of the districts should decide the fate of the whole province. The mining areas and the larger towns in general had tended to go for Germany, and the rural areas for Poland. Arguing each its own side a strong division of opinion appeared, and finally Korfanty, a Pole, acting in the same spirit that had filled General Zeligowski at Vilna, raised a force of irregular troops and overran a large part of the province. The Germans, though proceeding less openly, had also formed armed bands holding them in readiness in the towns. The Interallied Commission fell into factions, and the French portion of the interallied force was freely on the Polish side. As the four British battalions had left for the Rhine after the voting, there was no authority to be counted on for the preservation of order.

Things were drifting toward an outbreak, with England and Italy standing for Germany and France for Poland. May 13 Lloyd George, for England, openly declared that if the Allied Powers did not restore order in Upper Silesia they must let Germany do it, and he sent six British battalions to the scene. In fact, the situation was near the flash-point of war, and some such an outspoken utterance was needed to clear the air. Such an effect was produced, and Poland and Germany used their influence to quiet the situation. By the end of June all Korfanty's bands were dissolved and the Commission recovered its authority, so that it could go

on with its task of laying down a frontier according to the results of the plebiscite.

The British and Italian Commissioners devised a line by which Poland should have the part of the province that was overwhelmingly Polish, but the remainder, including the rich mining region, should be awarded to Germany. The French Commissioner opposed the plan. Speaking of it in the Chamber of Deputies, Paris, May 26, M. Briand said it would award to Germany 60% of the Poles in the province and give to Poland only 11% of the Germans, and he pronounced the suggestion "shocking and in contradiction to the Treaty." After much delay in which the Commission remained in an impasse, the matter came up in the Supreme Allied Council on August 8. Here it proved too difficult for solution and after four days of deadlock it was handed over to the League of Nations with full power to recommend a settlement. Neither side was willing to retreat before the other and both wished for an adjustment.

2. *In the Hands of the League*

At that time Viscount Ishii, of Japan, was acting president of the Council, and it was to him that the Supreme Allied Council sent its request. He grasped the nature of the Silesian wrangle and formed his own plan of adjusting it. "The results of the plebiscite," he said, "were not of a nature to allow the frontier line to be drawn according to the wishes of the population, nor did the economic and geographical conditions of the localities give any decisive indications to show how a line should be determined. Indeed, the fact that the

two considerations had to be taken into account only complicated the situation." The public, looking no further than the results of the balloting, had got a distorted view of conditions and had begun to suspect the play of sinister motives. Ishii's plan cut straight through this state of opinion.

His first step was to call an extraordinary session of the Council for August 29, 1921. Now the Council was to meet in regular session of August 30, and why an extraordinary session? While haste was needed it was not urgently necessary to gain a day. As acting-president, Ishii would preside over the extraordinary session, but Wellington Koo would preside over the ordinary session. As long as he presided Ishii could keep in his own hands the solution of the problem, and he had a solution in his mind.

When the extraordinary session met he reported that he had accepted the task assigned by the Supreme Allied Council and for that he obtained unanimous approval. He then handed out the documents in the case and suggested an adjournment until September 1 in order that the members of the Council might study them. He also observed that in the interval Mr. Wellington Koo might go on holding the regular meeting from August 30. This suggestion of two Councils sitting at the same time, whereas one might easily merge into the other, might well startle members of the Council. Mr. Balfour asked if Ishii meant to prolong his presidency, a question to which the acting president made no reply. Then M. Bourgeois observed, evidently meaning to smooth over an awkward moment, that he did not doubt that Wellington Koo desired Ishii to

preside over the Council when the Upper Silesian question was under consideration, and the member for China promptly expressed his compliance. But M. da Cunha, of Brazil, grasped the real situation more slowly. He asked if he and his colleagues were to have two Presidents at the same time and would that not tend to create two Councils, one of them subordinate to the other? All the while Ishii made no comment, but Mr. Balfour, having recovered his usual poise, came to the rescue and straightened out the affair. Viscount Ishii, he said, had made an admirable preliminary study of the problem and should "be asked to preside at those meetings" given to its consideration. M. da Cunha then took his cue, saying he would be the first to recognize the services of the member from Japan and that he gladly "bowed before the experience and authority of Mr. Balfour," and the Italian member hastened to express his acquiescence. Then it was moved by M. Bourgeois and unanimously voted that Ishii should continue to preside over the extraordinary session.

It was not punctilio, nor vanity, that made Ishii wish to keep the chair, but a desire to carry out his own plan of adjustment; and this he showed plainly when the extraordinary session was resumed on September 1. In that meeting his first action was to offer a written statement which he wished approved and given to the press. It observed that the newspapers had been saying that in future deliberations on the matter in hand Germany and Poland would be represented in the Council. That was a mistake. The question did not call for a discussion with the two powers, with the purpose of trying to reconcile them, and they would not be called in. The

Council was assigned a specific task and it would perform it as assigned. Ishii's request was approved, Balfour leading in its endorsement. The recent efforts to put reason into the heads of the representatives of contesting states, notably in the Polish-Lithuanian dispute, were trying enough, and it was not proposed to have a similar experience in the Upper Silesian case.

Viscount Ishii then came to the main point. He moved a committee of four members of the Council, the representatives of Belgium, Brazil, China, and Spain, to study the problem with the aid of such experts as they needed, and with the complete services of the secretariat at Geneva, and to report to the Council as early as possible. His motion, endorsed warmly by Balfour, Bourgeois, and Imperiali (Italy), passed without dissent. Before he would put it he asked each of the four men proposed for the Committee if he would accept the duty, and he got favorable replies. When this was done Acting-President Ishii dissolved the extraordinary session of the Council. In presenting the report and getting it adopted he appears as having spoken but little; but his report of the controversy was lawyer-like in precision, well-ordered and convincing.[1]

The Committee of Four appointed experts to help them and began to do its work immediately; for time was pressing, and the inhabitants of Upper Silesia were impatient. Six weeks passed and the Four handed their report to the Council on October 12, when it was unanimously adopted. One part, and this was prepared by the Committee itself, related to the boundary line. It

[1] The Minutes of this Extraordinary Session of the Council were issued separately and come properly between those of the 13th and 14th Sessions.

divided the disputed area between the two contestants giving each side some of the mineral deposits, but assigning the larger share to Germany, and awarding to each side the proportion of the population that was expressed in the results of the balloting. By this division it was the endeavor of the Committee to have each side get minorities of equal numbers, and rules were made to ensure the protection of such people.

The second part of the settlement dealt with economic conditions, and it was the work of men practically trained in industry. It sought to make the shock of readjustment as light as possible, and, in trying to work out this idea the experts introduced some general rules. They recommended that for fifteen years the railroad system of the area should continue to be operated as a whole and with uniform rates but in the hands of the Germans; that the same condition should apply to the water and electric power with no change to be made without the assent of each side; that the German mark was to continue the standard of value for fifteen years; that for fifteen years raw materials and products half-finished, if to be taken back to the zone of origin, should cross the line free of duty, and that the inhabitants of each part of the area should be permitted to cross the frontier freely. On approving this document the Council of the League despatched it forthwith to the Supreme Allied Council which accepted it on October 20, 1921.

The report of the Committee of Four, remarkable for its thoroughness, also provided for a Mixed Commission and a Court of Arbitration, each to reside in Upper Silesia for fifteen years. The first was to smooth

out difficulties that threatened and the second was to act to settle disputes, each to be composed of equal numbers of Germans and Poles with a neutral chairman appointed by the League. To give additional strength to the compromise there was to be a Commission to prepare a convention for promoting economic harmony between the two nations. These three bodies came into legal existence with the adoption of the report. The third, under the presidency of M. Calonder, formerly President of the Swiss Confederation, worked out in complete harmony a German-Polish Convention containing 606 articles which was signed May 15, 1922.[1]

This settlement of a very difficult problem was not popular when announced. The territorial clauses pleased neither of the contestants. The part which sought to tone down disappointments by means of economic co-operation was pronounced too theoretical to succeed. Time, however, has justified this feature and it is now agreed by most people that the adjustment, on the whole, is the best that could have been made under existing circumstances.

The Upper Silesian dispute was the third knotty problem that was handed over to the League: probably it was the most difficult to solve. Its solution within two months was a feather in the League's cap. It went far to offset the failure in the Polish-Lithuanian controversy, an affair in which the League did not have the same amount of support from the Great Powers as in

[1] The final action of the Supreme Allied Council adopting the report of the Council is in *League of Nation Documents* C. 420, M. 301, 1921, VII. For other papers on the dispute see same series. C. 278 (a). M. 207, 1921; C. 282 (a). M. 206, 1921; C. 284 (a). M. 208, 1921; C. 313. M. 222, 1921; and C. 327. M. 256, 1921. See also *Minutes of the Council*, 14th Session, *passim*.

the Upper Silesian dispute. Every such success widened the influence of the League and gave confidence to those who were conducting its activities.

3. *Albania Recognized as a Nation*

Another troublesome question was the controversy centring around the Albania frontier. When it came up in the spring of 1921 the Aaland Island and the Polish-Lithuanian disputes were still before the Council, and others came up before it was settled. It was another of the several troublesome problems that remained for settlement after the completion of the Versailles Treaty.

At the end of the Balkan War, 1913, Albania was recognized by the Great Powers, that is, by Austria, France, Germany, Great Britain, Italy, and Russia, as an "autonomous sovereign Principality," and its boundary was drawn on the map, and actually run on the Greek side from the sea to Lake Ochrida before the outbreak of war in 1914 suspended the work of the surveyors. Greece occupied Southern Albania during the Balkan War and sowed seeds of revolution in the minds of the Greek part of the population. Of Albania as a whole 69% of the population was Mohammedan and opposed to union with either of their two Christian neighbors.

During the World War Albania supported the Entente; but her territory was entered by Serbia in the North, who at the end of the war continued to hold a long strip of territory on the Albanian border, claiming that she kept it as a "line of demarcation." Her attempt to exercise authority in this region led many of

the inhabitants to flee their home, and produced various minor outbreaks among those who did not flee.

The Treaty of St. Germain, August 9, 1920, settled affairs for this part of Europe. Greece and Serbia took part, but Albania had not then been recognized as an independent power, and she was not asked to be present. The negotiators, nevertheless, took cognizance of the unsettled state of the region concerned and declared that the Conference would settle later the northwestern boundaries of Greece and the southern boundaries of Serbia. It was understood that this promise would be carried out by the Conference of Ambassadors, representing the principal Allied and Associated Powers.

Months passed and no efforts were made to redeem the promise. Meantime, Serbia maintained her hold in the north and Greece strengthened her troops in the south, as though she would encourage the Greeks of Southern Albania—which she called "Northern Epirus"—to try for independence. There was danger that the Epirotes would revolt and getting troops from Greece drive back the weak Albanian forces. Greece would thus hold the disputed southern area and it was easy to suppose that under the circumstances she would be able to convince a boundary commission that she should keep it.

In 1920 Albania applied to the Assembly for admission to the League of Nations. The Committee to which the application was referred recommended that she should not be admitted pending the adjustment of her boundaries. Lord Robert Cecil, who has been particularly zealous in behalf of the "League Spirit" as contrasted with the spirit of Great-Power diplomacy, opposed this action in committee and made a warm ap-

peal against it when the matter came up in the Assembly. Albania, he said, was a state and had all the attributes of a state, and the fact that she had boundary disputes ought not to keep her out of the League. His plea was successful and December 18, 1920, Albania was admitted with the understanding that her boundaries were to be fixed by the representatives of the Great Powers. By admission to the League she gained recognition as an independent state.

In March, 1921, she began to fear that trouble was imminent on her Greek border, and April 29 she called on the League for help. Her petition was taken up by the Council at its Thirteenth Session (June 17–28), Albania, Greece, and Jugoslavia being represented. The request of the petitioners was based on Articles 11 and 15 of the Covenant, and embodied a request that the League take steps to avert war between Albania and Greece. After consideration it was evident that the matter was essentially a boundary dispute and as the Conference of Ambassadors had that matter in hand it was considered unwise for the Council to interfere, a decision approved by Greece and Jugoslavia. The Council, therefore, would go no farther than pass resolutions urging more speed to the Conference and more patience to Albania. Bishop Fan Noli, whose presentation of Albania's cause was most devoted, gave notice that Albania would appeal to the Assembly of the League.

This action, however, had the important result of obtaining for Albania a hearing in the newspapers of the world and, if there was anything sinister in the designs of the powers concerned, the hearing tended to bring

it to the light. As Bishop Noli said, the Council by giving his country an opportunity to be heard had held out to it the first friendly hand it had received from the nations in the world. It was significant that shortly after this meeting the Conference of Ambassadors for the first time gave serious attention to the limits of Albania. It sent experts to investigate the situation on the spot.[1]

This action of the Council was taken by the public as reflecting the policy of the Great Powers, and it produced many misgivings. One of the strongest protests was made in France, where the Council of the French Association of the League of Nations passed unanimously resolutions regretting that "the Council of the League of Nations has had the weakness to relinquish in favor of the Conference of Ambassadors questions relating to the autonomy and territorial integrity of Albania, a member of the League of Nations, which ap-

[1] March 3, 1920, Senator H. C. Lodge offered a resolution in the United States Senate to the effect that the Peace Conference ought to award North Epirus to Greece, and in the following May this resolution, without any sufficient investigation, was passed by the Senate (*66 Cong. 2nd Sess., Sen. Resolution No.* 342), and at the request of Senator Lodge a copy of the resolution was sent by the Secretary of the Senate to the United States Ambassador in Greece, whence it got into the hands of the Greek representatives at Geneva by what means is not very clear. October 24, 1924, Warren G. Harding, candidate for the presidency, sent to the Greek Republican Club, of Boston, a eulogistic letter in which he pointed to his willing vote for this Lodge resolution and said in closing: "In the Community of Nations for promoting peace with justice and right, and for healing a grievously wounded world our Country will always be found at the front." These two documents were sent to the League on August 1, 1921, by the Greeks seeking to prove that the United States supported their claim. (Documents, Albania, Nos. 34, 36—C. 270, M. 198, 121, VII). Referring to them before the Assembly one of the Greek representatives said: "Thus the two authorities who, under the United States Constitution, have power to represent America in foreign matters, acknowledge, after Great Britain and France, that Northern Epirus is Greek, and must be returned to Greece" (*Minutes of the Assembly* 1921, Committee No. 6, Annex 6. See also Minutes of Assembly, 1921. *Committees,* vol. II, p. 553, where the idea is repeated.)

pealed to the Council under Article 15 of the Covenant." [1] The charge was too strong. The Council had not "relinquished" its right in the matter: it had yielded by courtesy to what was an unquestioned right of the Conference.

Up to this time Albania's chief anxiety was on the Greek frontier; but in July the scene of agitation shifted to the North, where a strongly Catholic group, known as the Mirdites, lived in the midst of a Moslem population. They were in four tribes and numbered 18,000 persons of whom, aside from the priests, it was said that only three individuals could read and write. One of them, Marka Gjoni, called a dissolute nobleman by the Albanians, conceived the idea of making himself their leader. He tried to persuade them to revolt but without success. Then he went on April 25, 1921, into Jugoslavia with about 60 of his friends. He returned early in June and began to distribute gold to influential men so that he raised a force of 1300 and proclaimed a Mirdite Republic. Albanian troops went against him and drove him back into Jugoslavia, but his followers held on in places, and he himself came back. Guerrilla warfare broke forth, and many homes were burned and great suffering occurred, each side taking a part: but Marka Gjoni was mistrusted by the majority of the people and his war was not popular. There is little doubt that his money, arms, and munitions came from Jugoslavia, not necessarily from the government. When the Jugoslavian army withdrew in November his power melted away and November 20 he dismissed his

[1] See *League of Nations Documents on Albania*, No. 33, C. 238, M. 174, 1921, VII.

followers and escaped across the border with a handful of his men.[1] Thus it happened that Albania was threatened on the south and on the north.

Her appeal to the Assembly was referred to Committee No. 6, where it was debated at length. Much impatience was manifested with the slow procedure of the Ambassadors; but Mr. Fisher, of Great Britain, and M. Reynold, of France, were able to prevent the passage of rash resolutions by assuring their colleagues that a decision on Albanian boundaries was about to be announced. They thus got the Committee to content itself with some pointed "Whereas" clauses tending to make the Conference take immediate action. To them was added an article creating a commission of three to go to Albania and report on the execution of the decision of the Conference. For these resolutions Lord Robert Cecil was chiefly responsible.

The article creating the Albanian Commission astonished the Greek representatives, who thought the decision of the Ambassadors should be executed under the authority that made it. They tried to get the Committee increased by the addition of Greek, Jugoslavian, and Albanian representatives, but in this attempt they failed. In a heated debate Greece lost steadily until one of her representatives exclaimed: "Somehow or other, the Delegate of Albania has managed to get into the good graces of all of you." After full discussion, and after Mr. Balfour had made one of his notable appeals for conciliation, the resolution was declared adopted, although not put to a vote. The President

[1] *Report of the Albanian Commission of Inquiry*, November 19–December 20, *League of Nations Documents*, 1921, C. 542. M. 387, 1921, VII.

merely said: "Unless any Member desires a Roll Call to be taken I will take it that the Resolutions are carried." And then, no one speaking, he said: "The Resolutions are carried." This happened October 3, 1921.

The feelings of the Greek representatives were high and it was easier on them to pass the resolutions this way than to have the roll called. The vote also illustrates the working of the rule requiring a unanimous vote. If Greece had held out her adverse vote would have defeated the resolution; but by such a course she would have gained the criticism of the assembled nations, which she could ill afford to have.

In a meeting of the Council on October 2, some resolutions were produced by Mr. Fisher inviting Albania to guaranteee the protection of minorities in whatever boundaries should be assigned to her by the Conference of Ambassadors. Bishop Noli, who was present, promptly accepted and signed them in behalf of his government. He then observed that he hoped that Greece and Jugoslavia would do as much for Albanians resident in their territories. The Greek representative there present was taken aback. He made a fine speech about Greece and Albania getting on famously in the future, but as to minorities, he said that they depended on the Treaty of Sevres, which was not yet completely ratified. Mr. Fisher suggested that Greece might put into execution at once the minorities clauses in the Treaty of Sevres, but her representative replied that he could not speak on this point and that his country reserved her decision.

The days following the adjournment of the Assembly

(October 5, 1921), were anxious ones for Albania and the people of her borders. Although the British and French delegates at Geneva had given positive assurance that the decision of the Ambasadors was about to be announced, the days ran into weeks and no word came from Paris. At the same time there appeared on the northern border more certain signs of trouble. Strong bodies of Jugoslavian troops were concentrating, demands came for the surrender of posts held by Albanians, and actual encounters were reported. Still nobody heard from the Conference of Ambassadors. Then came the certain news that a Jugoslavian army, 12,000 strong, equipped in the most modern way, had crossed the border and on October 10 occupied Bougnai. Day by day they advanced and on the 17th they took Oboti, the Albanians offering no effective resistance, although there was some fighting. News of these movements thrilled the Jugoslavian people, their newspapers gave daily accounts of the success of the army, and the complete surprise with which the army had burst through the frontier with no war declared was held to be commendable strategy.

In a day the situation became tense. Italy was already on bad terms with Jugoslavia and she was more than ready to take Albania under her wing. A fiery demand from her for the withdrawal of Jugoslavia would probably, in the existing state of feeling, have met with defiance from Jugoslavia. It seemed that another war was to break out in the Balkans.

Then something happened. First, Lloyd George appealed, November 7, to the Secretary-General of the League under Article 11 of the Covenant to call a spe-

cial meeting of the Council to see if Article 16, relating to an economic blockade, should not be applied against Jugoslavia. Two days later, November 9, the Conference of Ambassadors at last made up its mind. Face to face with a crisis, with the League about to consider the application of the economic weapon, and with Italy ready to throw herself into the struggle, France could no longer support her ally. She gave way and the Ambassadors announced that the boundary line of Albania was fixed in accordance with the line of 1913 with certain minor "rectifications" favorable to Jugoslavia. For two years the matter had stood in an impasse. It yielded when the British Prime Minister through the League of Nations seemed about to use the economic weapon.

This sudden turn of events made a profound impression at Belgrade. With foes on each side, this newly founded State could not exist if the support of Western Europe were withdrawn and if to that disadvantage were added the penalty of an economic blockade. M. Pashitch realized the situation and bowed before it as gracefully as he could. Writing to the President of the Conference of Ambassadors, November 14, he said:

"The British Government, moreover, taking its stand upon the unfounded accusations of the Tirana [Albanian] Government regarding the alleged declaration of war by the Royal Government *vs.* Albania, the Sub-Croat Slovene offensive against Albania, the invasion and occupation of Albania by Royal troops and their advance into Albania as far as the town of Oroshi, and beyond, has summoned the Royal Government before the Council of the League of Nations, and threatens it with the application of extreme measures such as those provided for in Article 16 of the Covenant of the League of Nations. By this action a threatening situation has been created resembling that arising out of an ultimatum. Placed

in this position the Royal Government states with the greatest regret, and under protest, that it bows to the decision of the Conference of Ambassadors, in order to avoid the dangerous consequences of non-acceptance, while remaining firmly convinced that subsequent events connected with order and peace in the Balkans will vindicate the anticipations of the Royal Government and the work of fixing the frontier on the ground will supply proof of the justice of its point of view." [1]

The Conference of Ambassadors ordered a commission of its own appointment to run the boundary line; and a temporary neutral zone was laid out along the border with the direction that all Jugoslavian, or Albanian, troops should withdraw from it until the work of this Commission was finished. At the end of two weeks the Jugoslavian army began slowly to withdraw and by the end of two more it was entirely out of Albania. November 19 the League's Albanian Commission of Inquiry arrived at Durazzo and was received with enthusiasm by the Albanians. It was instructed to observe conditions and send reports to Geneva. Until the new frontier was actually run there was little else it could do.

Meanwhile, the special session of the Council, called at the request of Great Britain, met in Paris on November 16, its main object already accomplished. Mr. H. A. L. Fisher represented Great Britain and explained the case against Jugoslavia. When the Assembly was in session, he said, he thought the reported clashes on the Albanian border were only trivial affairs that would end when the Ambassadors acted; but recent events made it evident that plans had existed to occupy Northern Albania as far south as the River Mot. As the represen-

[1] A copy of this letter is in *League of Nations, Documents on Albania.*

tative of the nation asking for the extra meeting it was not for him to indicate what was to be done. He was satisfied to say that the acceptance of the award of the Ambassadors by Greece and Jugoslavia was satisfactory and he hoped they would be good neighbors. The question of economic blockade was not discussed in this meeting. The mere threat of using it had been enough.

CHAPTER VII

THE DISCONTENT IN THE SECOND ASSEMBLY

1. *The Spirit of Discontent*

WHEN the Second Assembly met, September 5, 1921, it was filled with resentment against the Council. It believed that this body had not been working in the true League spirit, that it had fallen under the control of the big states, and that it was building up its own power at the expense of the power of the Assembly. The members who were most resentful usually came from small states. They were, however, most sincere in their opinions and devoted to the League as an institution. They were, perhaps, discouraged by the failure of the large Western nations to put pressure on Poland in the dispute with Lithuania, which left the League powerless in that controversy. They arrived at Geneva determined to do something to arouse public opinion and thus bring the Council into line with what they called "League ideals."

Here we see thrown into relief, one over against the other, the two League concepts already mentioned in this book. The discontented group thought that the League was to be a distinct form of Government. They would deny that it was to be a "super-government,"

meaning by that term a government set up over the existing states with power of decision in certain phases of public law, as international relations. But they wished to see the League a distinct governing power in its own field; and they wished the Cabinets of the various states to recognize the fact in practice as well as in theory.

On the other hand, the big states were determined to give up nothing of their organic power. They had directed their own foreign policies and naturally expected to continue to direct them. By appointing to the Assembly their representatives in the Council they could exercise large influence in the Assembly and effectual control over the Council.[1] What was done, therefore, the thing that distressed the dissatisfied ones, was done in response to policies which these strong states considered their own paramount interests. For example, small states thought that a policy of conciliation toward Germany should be followed in the interest of general European harmony, but France desired to put certain restrictions around Germany as a guarantee against future trouble. With Belgium, whose support she could count on, always by her side in the Council, and with Great Britain bound to her but more loosely by the old Entente chains, she dominated the Council and for some time was the decisive factor in European politics. It was against this formation of power that the discontent in the Second Assembly was directed.

[1] From the beginning the influence of the Cabinets of the member states in the League has been strong, and it has grown steadily. Of the delegates to the Second Assembly 20 were actual or former foreign ministers, and 12 were either actual or former Cabinet members. Ten were members of a parliament and 40 were serving, or had served as ambassadors or ministers. Of the 11 delegates from the British Dominions 5 were High Commissioners, resident in London, and 2 represented South Africa, where they had never lived.

Perhaps the men who spoke for this feeling would not have said that they had in mind any objectionable forms of power. They were not attacking the sovereignty of states but looking to the purposes that inspired the Council, and they wished these purposes amended. Let the Council, they would say, follow "League ideals": that was all they demanded. But they did not stop to think that the Council, so closely a reflection of the will of the constituent states, could not follow any other ideals than the purposes of those states.

If one says, in reply, "Then why have the League?" the answer is that in actual practice the League did modify and it always can modify, the will of the individual state. Men bound to their states by accepted policies have been obliged to act in Council in accord with them; but there has been a reaction on the wills of the states, modifying them and slowly bringing them around toward, if not entirely to, the "League ideals." It is in this way that the League has done some of its most important work. The protest made in the Second Assembly was work of this kind. It required the efforts of the best men in the big state group to allay the spirit of dissatisfaction, and in allaying it these men learned something about what the big states could not do in the face of European opinion. If the connection between Cabinets and Council tends to give the government influence in the affairs of the League, it also tends to give the League influence over the governments.

It is also necessary to remember that much of what was said at the time in disparagement of the motives of the big-state leaders was not deserved. These men were in general as conscious of the League ideals as small state

leaders. But they knew, also, the spirit of their respective countries, and they could not go directly against it. Sometimes they had to mediate between the League men in Geneva and the insistent nationalists in London, Paris, Rome, and Brussels. History would do them an injustice if it did not recognize the difficulties they faced.

Great Britain in this period was more favorable to the League than any other big state. The British people, far more than the people of France or Belgium, understood and trusted the League. Moreover, the spread of League influence would be favorable to international trade, which the British people earnestly desired to promote. Finally, Great Britain's future safety, protected by the navy, did not demand a policy of special guarantees and preparedness, a policy which is essentially opposed to the spirit of the League. So far, the League had not broached a policy of naval disarmament. The taking up of such a proposal may be expected to furnish the strongest test of Great Britain's loyalty to League ideals.

The hostile feeling in the Assembly burst forth in protests as soon as the report of the Secretary-General on the Work of the Council was taken up. Protests were made that the Council had not given enough publicity to its proceedings, that it conformed too closely to the will of the big states, that it neglected the expressed wishes of the First Assembly with reference to the supervision of mandates, and that it had taken no efficient steps looking toward disarmament.

One of the most outspoken of the critics was M. Branting, of Sweden. His country, with Denmark and

Norway, had suggested a number of amendments to the Covenant which had not been adopted; and one of them was designed to reduce the powers of the large states in the Council. M. Branting was, perhaps, somewhat piqued at this course of the Council, and he believed that the condition he complained of would have been ameliorated if the amendment had been accepted. His country was on the losing side in the Aaland Island controversy, and he had been the leading Swedish advocate when that business was before the Council. Add to these considerations the fact that though a very able man he was of an impulsive nature, and it will be easy to understand the eagerness with which he threw himself into the attack. He not only brought up the accusations then so freely hurled at the Council, but he attacked the sincerity of its members as officials of the League. "The Council," he said, "has not made the utmost efforts to ensure that the League of Nations shall enjoy that prestige in the minds of the populations of the world without which it cannot successfully carry out its mission." Lord Robert Cecil, who followed him, felt impelled to disavow as many of these utterances as attributed unworthy motives to the Council. But he declared himself compelled to admit that he could not approve the course of that body in all respects. He was especially disappointed that it had not shown more enterprise in dealing with mandates and disarmaments.

The most vehement speech in the debate was made by the delegate from Jugoslavia, who found the occasion of his outburst in the appeal of Albania to the Assembly, which was mentioned in the report on the work

of the Council. His object was, no doubt, to warn his colleagues against interfering with the decision about to be made by the Conference of Ambassadors, but he also used the opportunity to let off steam. The Assembly he said, had made one mistake last year in the admission of Albania into the League: let it beware lest it make another. "Albania," he exclaimed, "which is no more a state this year than she was last year, but merely an international problem—was admitted a member of the League of Nations in spite of the opposition of Committee No. 5. The disordered procedure and the confused ideas with which we have at present to contend are the first results of that step." He spoke so bitterly that the president asked him "to moderate his language."

2. *Balfour and Bourgeois to the Rescue*

Thereupon Mr. Balfour rose to speak. No man had done more work for the League in the Council than he, and he evidently thought it time to check these rampant onslaughts. He was a man to be heard on his own account and he represented the British Empire. He was a convincing speaker, and master of the delicate art of politely but effectively demolishing a crossgrained faultfinder. His first target was the Jugoslavian. Albania, he said, was in the League, and it was not wise nor generous to rake up the embers of that fire. He explained in a few sensible words why the Council would not take up the Albanian question, then before the Conference of Ambassadors, and added that Albania had appealed to the Assembly, which was her right. He made another of his very courteous and very biting comments,

on M. Branting's attack on the motives of the Council, which he could not believe Mr. Branting meant. He then turned to Lord Robert Cecil's remarks, saying:

"Lord Robert complained that the volume which you all have before you, the volume embodying an account of the labours of the Council, which is the subject of our immediate consideration, is rather a dull volume. It is a very dull volume. I recommend nobody to occupy their lighter hours by a study of its contents. Lord Robert's solution is that we should find men of literary eminence who would add eloquent and picturesque touches to the rather dry record of facts which the volume contains. It would be a delightful remedy if only it could be applied. But I do not know whether it is within the sphere of practical politics that we should direct the Secretary-General to look about for distinguished men of letters—French or English—I suppose they must be either French or English, as these are the two languages employed—who should so enliven the pages of this record that the world at large would put it on its breakfast table, and that the work of the Council should become a topic of habitual conversation in all intellectual and social circles. I am afraid that is hard to carry out.

"The truth is that this report would be twice as interesting if it were four times as long. All the topics dealt with here are really of extraordinary interest if one had the details, the historic setting. A man who really knew all the circumstances attaching to these negotiations, to this work and its conclusions, would get an insight into contemporary history and into past history, and into the relations between the two, which would be of profound interest. But that can only be done if you put in details which would swell a volume, not already very small, to many times its present bulk. I doubt whether that is possible, though I should, I admit, like to see some of the matters that are really of interest put in; for, if they were put in, all the complaints as to the dullness of the document would, I am convinced, be removed, or, at least, mitigated.

"At present, I make only one suggestion. If any stranger to our work wishes to extract from this volume some idea of the magnitude and the value of our labours, let him not attempt to read this volume; let him content himself by reading the table of contents. Let him go over the items one by one; let him consider the arrangements that we have succeeded in making, or that we have attempted

to make, between nations which were in dispute. Let him consider that we are actually governing two important regions of the earth, and may have yet to govern more. Let him remember that we have established or are in process of establishing, a Court of International Justice. Let him remember that we have set up machinery for protecting minorities, and that we mean that that machinery shall work. Let him remember that we are dealing with the question of disease all over the world, and, not to swell this enumeration to undue length, let him also remember that we have played no unimportant part in the efforts which all men of good will are making, wherever they may be, to re-establish upon some solid basis that economic prosperity without which, all the efforts of the League in the direction of peace, contentment and good will among men must necessarily fail. Any man who reads this index should then ask himself this one simple question: were the League of Nations abolished to-morrow, what body either exists, or could be found, which could do these things? If he asks himself that one question, I will answer for him that he will get up from the perusal of this table of contents a convinced and lifelong supporter of our work." [1]

Mr. Balfour's remarks on the personal criticisms that had been made were so effective that no later speaker in this debate was willing to renew the charges.

Next to him M. Bourgeois, one of the authors of the Covenant, was the most important of the men whose conduct was being attacked. Avoiding recriminations he met the critics by discussing the development of the League and its future.[2] He opened this argument by referring to the theory, often repeated at that time, that the Washington Conference was called by President Harding as a counter-move to the League of Nations, a charge that had produced discouragement at Geneva. He said:

"We must not be alarmed at the news unceasingly spread about

[1] *Records of the Second Assembly, Plenary.* pp. 190–191.

[2] This interesting speech is in the *Records of the Second Assembly, Plenary,* pp. 198–206.

us by the Press; we can disregard the false news, the audacious rumours, and the serious accusations alleging all sorts of intentions which never enter the heads of responsible people either here or elsewhere. I am convinced that all responsible people on both sides of the Atlantic have only one aim—to serve the cause of justice and peace. Whatever may be the means employed on either side of the Atlantic to achieve this common end, once it is a common end, we may be sure that the nation which sent 1,500,000 of its sons to fight for liberty and peace during the war will never renounce the undertaking or separate from us in the future. That is why I reply in clear, strong and plain language to the disquieting rumors that are spread about. We must not see cause for anxiety in all this; we must wait patiently till, in the nature of things, a real community of feeling has produced that which it is bound one day to produce; a common agreement for a common end."

Turning to the conditions under which the Second Assembly opened he found many things to encourage him, and especially he observed a change in the attitude of the newspapers. "The Press of the whole world," he said, "has sent representatives, and they have not left two or three days after the opening, as they did last year. They are still attending our meetings."

Getting a little nearer to the criticisms that had been made he said:

"As long as we were still in what I may call the ideal regions of first principles, it was easy to continue our forward march; but the day when we descended from these heights towards practical realisations we encountered what are always encountered, unfortunately, in the world of practical things, obstacles and difficulties impeding our progress. . . . In our decisions regarding certain disputes we may perhaps have been unable to give satisfaction to each of those who put their trust in us. But this is inevitable. A compromise may perhaps annoy both parties and in any case it is bound to annoy one of them. This leaves out the old French proverb: 'One always has twenty-four hours to curse the judges.' For the parties concerned compare what they hoped for with what they have been able to obtain."

The need of some of the powerful states for the services of the League he set forth as follows:

"These governments have financial, military, economic and naval resources at their disposal; they are themselves better informed than anyone; they have their universal intelligence services and organisations for negotiation. Nevertheless, with the best will in the world, they can come to a deadlock and find themselves unable to agree. Why is this? Because they have responsibilities, because these responsibilities weigh on them, because these responsibilities may not always allow their judgment all the requisite freedom, because considerations of home policy weigh on them and maybe threaten them." Such was the case with the Upper Silesian dispute, "the solution of which had been vainly sought by the greatest nations of Europe and Asia."

Referring to a charge often made, he exclaimed:

"We do not threaten and we do not wish to threaten the political sovereignty of any state or any nation. Those who have spread the rumor that we wish to be a super-state, to impose our wills upon others, have not read a single article of our Covenant, and have not followed a single discussion in our Assemblies. We do not seek to establish any sovereignty over the political sovereignty of each of the States that are associated here; but we affirm that over the political sovereignty of each of these States, there is a moral sovereignty, a sovereignty of right."

These two speeches went far toward allaying the discontent in the Assembly, but it was not all quelled. Outward calm was restored; for it was manifestly unwise for an institution so precariously situated as the League to have its supporters quarrelling among themselves. And at the same time even the most convinced critics had to see that there were two sides of the question.

3. *The Attack on the Secretariat*

One of the objects of attack was the Secretariat which, as a visible form of the power of the League in Geneva, attracted attention and invited investigation. To carry out the work put on this office by the Council and Assembly demanded a large number of expert assistants and it was not possible to induce such persons to leave their homes and settle in Geneva without paying them liberally for their services. Now it is the misfortune of experts that however skilled they may be in their special work they look and live much like other people. When these persons reached Geneva people living or visiting there could not understand in what respect they earned salaries more liberal than other people's. And one result was that the opinion spread that the Secretariat was run extravagantly, both as to the number of its employes and the remuneration paid them.

Another charge was that the Secretary-General exercised too much power over the affairs decided in Council. This idea was connected with the very nature of his office. Probably no other organ of government in the world has been set up in recent times with so little attention given to its executive. Neither the Council nor the Assembly reside in Geneva. They come, deliberate, make decisions and go back to the occupations from which they come. When they are gone someone has to execute their decisions. In an ordinary government the task would fall on a president, or a king, with his subordinates. The Covenant-makers, unwilling to arouse a suspicion that the League

would be a strong government, would have no president. But they had to arrange for the execution of orders duly made and gave the function to the Secretary-General. He was not called a president; but he has numerous presidential functions, for all that his rank is ostensibly secretarial.

Important as is the Secretary-General in carrying out the policies adopted by Council and Assembly, he is perhaps even more important in originating them. When the members of these two bodies arrive in Geneva they can know little about the business to come before them. Efficiency in government demands that it shall have been examined and digested and that it shall be presented so that it is understood by those who pass upon it. This task falls to the Secretary-General and his assistants. Every *Rapporteur* and every committee depends on this group of men and women for facts and even for the interpretation of facts. It could not be otherwise: for it would be a sad state of affairs if these officials had to flounder around in masses of information within the brief time they can give to their League duties.

When the Second Assembly met, the League had been in operation less than twenty months. That was about long enough for people to realize that the Secretariat must be a large group of agents, that it took a large sum to pay their salaries, and that it would have a large influence over the execution and making of decisions. There had not, however, been time enough to realize how much these things were inevitable. This particular instant coincided with the time of the general dissatisfaction in the First Assembly, and the result was that an

investigation of the Secretariat was ordered and the Council was asked to carry it out.

In compliance a committee of experts was created, and its report, May 7, 1921, was completely in favor of the existing situation. Salaries, said the report, were high, but not higher than were to be expected under the circumstances. It was thought that they might be reduced eventually until they would compare favorably with those paid by other governments; and it suggested that the travel allowance for League Officials could be lowered. It also favored the creation of a committee of control over the expenses of the Secretariat. This report did not satisfy the Second Assembly, so full of the reforming spirit, and it referred the subject to its own Committee, No. 4, whose report was, on the whole, as favorable as that of the experts.[1] In general, it followed the preceding report, but it contained the following paragraph:

"We recommend with special urgency that, in the interest of the League, as well as in its own interests, the Secretariat should not extend the sphere of its activities, that in the preparation of the work and the decisions of the various organizations of the League, it should regard it as its first duty to collate the relevant documents, and to prepare the ground for these decisions without suggesting what these decisions should be; finally, that once these decisions had been taken by the bodies solely responsible for them, it should confine itself to executing them in the letter and in the spirit." [2]

The report was made near the end of the Second Assembly and there is no record that action was taken on

[1] In the debate on this question Mr. Sastri pointed out that of the 351 persons employed in the Secretariat 138 were British, 73 were French, 60 were Swiss, 13 were from the United States and only one from India. (*Ibid.* p. 215.)

[2] *Records of the Second Assembly, Plenary*, pp. 595, 596.

this paragraph. But Mr. Balfour paid the following just tribute to the work of the Secretary-General:

"We on the Council have had more opportunity than you, Gentlemen, who sit in the Assembly, to observe day by day the continuous and persistent efforts of the Secretariat. We can assure you, in all sincerity, that the preliminary work for our discussions and decisions had always been carried out by the Secretariat in the most impartial spirit, and with a keen appreciation of the part which the League of Nations is called upon to play." [1]

It is noticeable that in all this discussion no attack was made on Sir Eric Drummond personally. All who have had opportunity to see the workings of the Secretariat bear hearty testimony to his unselfish, able and loyal labors for the League. He is zealous for its honor and a wise pilot to steer it in doubtful seas. It is a piece of rare good fortune for the League that he was available to organize and guide its infancy.

4. *Amendments to the Covenant*

The amendments offered during the First Assembly were placed in the hands of a committee to report to the Second Assembly. That report was duly made and the Second Assembly turned it over to its Committee No. 1. to decide what course should be taken by the Assembly. Put through the hands of these two committees these amendments were reduced to the lowest terms by the time they got to the Assembly. In the beginning most of them had reflected the ideas of one state or of a small group of states, and several represented only the peculiar ideas of one man. Most of

[1] *Records of the Second Assembly, Plenary*, p. 199.

them had been discussed in the making of the Covenant and rejected. Bringing them up in Assembly shows the tendency of criticism of the League at the end of a year of its existence.

Of those that expressed ideas peculiar to one man or —what was apt to be the same thing—one state, a good illustration was the Argentine resolution that all states should be considered members until they expressed a desire to the contrary. The Assembly dropped it entirely. But for the desire to show Argentina proper respect it would, no doubt, have perished in the early Committee, along with several other impractical suggestions.

Three other ideas were rejected flatly but after a show of serious deliberation. They were (*a*) the requirement of unanimity in the votes of the Assembly. The Committee thought that all votes in the nature of decisions should be unanimous, but that votes that were only recommendations might be by majority merely. (*b*) Similar disfavor met a proposition to omit the word "generally" from Article 3, paragraph 2, of the Covenant thereby making arbitration compulsory. The Committee, mindful of the fact that cases might arise when it would be impossible to force a state to accept arbitration, were not willing to make the letter of the law so strict that in such a case the League would have to accept defeat openly. (*c*) A proposal was defeated for changing Article 18 so as to require the registration of political treaties only, leaving technical treaties unregistered. The eagerness with which certain states supported it suggested the existence of specific motives.

An amendment that was neither passed nor rejected

but postponed for future consideration was a proposal by Mr. Doherty, of Canada, with a considerable support by other states, for the elimination of Article 10 of the Covenant. The argument for postponement was that it was necessary to take time to study the effect of its repeal on Articles 12 and 17. Another proposition that was postponed was a demand for a fuller statement of the way in which the economic weapon was to be used against a defiant state.

Other measures reported to the Assembly as worthy of serious deliberation were debated and left unadopted but only with the arrival at certain conclusions in the nature of a compromise. One was a proposal either to strike from the Covenant, Article 21, all reference to "regional understandings," that is, to the Monroe Doctrine, or to give the same right specifically to all. China and Czechoslovakia seemed very much interested in this demand. It was felt, however, that its adoption would be taken amiss in the United States, and it was decided to make no change in Article 21 but to have it understood that "regional understandings" can be negotiated under League auspices.

Denmark, Norway, and Sweden have a long record as neutral nations and friends of peace. As neutrals in 1914–1918 they took no part in the Paris Conference nor in the Covenant-making. Their suggested amendments were received with much respect, though not accepted. Of this nature was the suggestion that in order to be sure of frequent meetings a fixed number of states might call a meeting of the Assembly. It was pointed out that the rules of procedure, adopted by the First Assembly after the Scandinavians had proposed

their amendments, insured frequent meetings, and that the same result was reached, also, by giving the Assembly control of the annual budget. This explanation was satisfactory to the Scandinavians.

Norway suggested that the states be encouraged to create commissions of arbitration and conciliation between one another. She evidently did not relish the wide power given the Council in settling disputes and wished to provide another implement of adjustment. Sweden pointed out that the creation of the Permanent Court offered a ready and sure means of arbitration, but she supported the creation of commissions of conciliation between the nations. This view was accepted by the Assembly, which voted that a Committee be set up to report on the best way to employ the principles of conciliation in achieving the purposes of the League. The adjustment gave pleasure at the time, but it did not lead to the creation of Conciliation Commissions, as advocated by Norway and Sweden.[1]

Probably the feature of the existing Covenant that caused most criticism was the constitution of the Council. The big states which were likely to have to bear the burdens of the League were convinced that they should have most control in the direction. The small states recognized that principle and did not object to giving the big states permanent seats in the Council. But it disappointed them to see the big states using their advantage in this respect to promote policies which they, the small states, did not consider in accord with the League spirit. They also objected to a tendency,

[1] A draft treaty for Conciliation was prepared by the Assembly and sent to the member states, and on it as a basis several conciliation treaties have been made between individual states.

already observable, to give the non-permanent places to states of the second rank who were likely to be influenced by the big states. One of these, Belgium, was closely attached to France, and another, Spain, disappointed because she did not have a permanent seat, seemed likely to have through annual re-elections what amounted to the same. Under these conditions the places left open to the other states were reduced to two.

To remedy this state of affairs the Assembly, after much discussion, adopted two measures. One was a resolution, merely expressing the opinion of the Assembly and not a proposed amendment that for 1922 the incumbents should be re-elected but that rotation in office should be observed thereafter. The other was a proposed amendment providing that the Assembly by a two-thirds vote should make rules for the election of non-permanent members, fix the terms of their office, and adopt the conditions of re-eligibility. Of all the proposed amendments here considered this was the first to pass the Assembly and be submitted to the states for ratification.

Another was to change the basis of allotment of the expenses of the League to the member states. In the haste of drafting at Paris in 1919 no better means could be thought of than the ratio of distributing the expenses of the International Postal Union. Experience soon showed that this basis was not satisfactory and in response to a general demand an amendment was offered and passed authorizing the Assembly to fix the ratio of allotment.

Another change that passed the Assembly was to add

decisions by the Permanent Court to arbitration as a means of settling disputes likely to lead to war. This change was made obvious by the creation of the Permanent Court. The amendment, to which there was no opposition, involved the insertion of what is now paragraph 3 in Article 13 and the insertion of "judicial decision," or "judicial settlement" in various places in Articles 12, 13 and 14.

A fourth measure that passed the Assembly and went to the member states as a suggested amendment related to the adoption of amendments of the Covenant. It was voted that in the future an amendment was to become operative when approved by the states having seats in the Council and by three-fourths of the Assembly. By this arrangement amending the Covenant would be easier than under the system at first adopted, by which all the members of the League must give approval.

These four suggested amendments were duly submitted to the states for ratification. Two of them encountered little opposition. That which related to the apportionment of expenses became effective August 13, 1924, and that which accepted the decisions of the Permanent Court, along with arbitration, as an agency in settling controversies, became effective September 24, in the same year. The other, giving the Assembly the right to determine the rules for selecting non-permanent members of the Council, had not received the necessary ratifications in March, 1926, when the League went through the crisis over the permanent and non-permanent seats; but the anxieties of the moment had the effect of obtaining the necessary approvals and the

amendment became effective July 29, 1926.[1] The fourth, relating to amendments of the Covenant, has not yet been ratified.

5. *Significance of the Second Assembly*

The Second Assembly, which had opened in such a doubtful manner, ended in a state of harmony and mutual trust. For the most part, the alarmists had been reassured by having their proposed amendments debated thoroughly in Committee and in Assembly. The words of caution uttered by members of the Council, speaking on the floor of the Assembly as men also deeply interested in the success of the League, had removed much of their suspicion and re-kindled their faith in the League's future. With this return to a oneness of purpose the crisis passed and it has never returned in the same way.

In his closing speech, the President of the Assembly, Jonkherr H. A. van Karnabeek, of Holland, with general applause, summed up the situation as follows:

"There have been prophets who, whilst recognizing the success of our first session, were none the less convinced that, at our second session, the disintegrating influences which have their origin in the questions which divide us would not fail to produce their disastrous effects. These fears have not been justified. Our session, you will agree, has utterly discredited the pessimistic prophets, who had forgotten that the idea of international association and co-operation, no matter what form it may take at the present time, is a definite asset to humanity, and constitutes the strength and very life of the League of Nations." [2]

[1] Changes in the composition of the Council since 1921 are the award of a permanent seat to Germany in 1926 and the increase of the elected members from four to six in 1922, and from six to nine in 1926. For the crisis of 1926 see below, pp. 323–332.

[2] *Records of Second Assembly, Plenary*, p. 900.

CHAPTER VIII

THREATENED ABSORPTION BY EUROPEAN POLITICS

1. *The Political Situation in Europe,* 1919–1923

AT THE end of 1922 the League of Nations had passed through three years of success and failure and was still alive. It was finding its place in a complex and highly sensitive world. It was not dominating the nations by force of its brilliant ideals, nor were the nations able to ignore it. It had found the line of its natural development as a part of the political life of the time, and was going to burrow along in its own way. Its course was profoundly modified by the existing political situation in Europe. It could not have been otherwise; for every political institution, if it goes on living, has to fit itself into its environment.

Four important conditions served to give European politics their character from 1919 to 1923. They can be summed up as follows:

1. The French fear of Germany and the general fear of a Russian war. This state of apprehension led France to maintain a large army, and thus to go on borrowing large sums of money. She thus blocked the way for any movement looking to the establishment of harmony and confidence in Europe, and harmony and

confidence were essential to the progress of the League. France not only kept Western Europe in a state of doubt but her policy in Eastern Europe caused even more apprehension; for the States in this region were in a very unsettled state and one never knew when a small spark from their tinderbox might light another great conflagration.

2. The disorganized state of industry and the feeling that its recovery was delayed by the political uncertainty in Europe. Great Britain, whose manufacturing was the larger part of her business activity, felt most the existing distress, not only through the closing of her factories, but through the reduction of the carrying trade, the shrinking of local retail trade, and the vast increase of unemployment. Every reason existed for her to promote a speedy and general return to peace and goodwill; for trade would follow in their wake. Her course therefore would be as favorable to the progress of the League as France's course was unfavorable to it.

3. The uncertain state of Italy gave much trouble to men who kept present day problems in their minds. There was in the country a strong trend toward Communism; and the working men were utilizing it for establishing a régime of social inefficiency that bordered on chaos. The politicians lost control of the situation, and the stoutest of them retired from a field in which one could only lead by following the will of a mass of illy disguised Communists. From this situation Italy was rescued by the Fascist movement which grew into vigor in 1920 and 1921 and seized the government on October 30, 1922. Neither the Communistic régime in

Italy, nor Fascism, was favorable to the League's development, but of the two the former was least friendly. The peril of the first lay in its relation with the Bolshevik propaganda, which is both militaristic and subversive of the existing form of society, the peril of the second lies in its militarism and its fierce nationalism.

4. The problem of Reparations. To the Entente Powers during the war the prospect of making their enemies pay for the war was a sustaining idea. When peace came they took steps to realize it in actual practice, supported always by the thought that if Germany had won she would have been equally inexorable. In the peace negotiations the various states could not agree on the exact sum that should be paid and after much discussion it was decided that reparations should be made for certain specific kinds of damages done in the war, the actual amounts to be fixed by a Reparation Commission by May 1, 1921. This agreement had the bad effect of leaving each side in a state of doubt as to what was going to happen. France as chief sufferer was kept in a high state of hostility because she thought that Germany was ever trying to evade just demands; and Germany was equally aroused because she thought her opponents sought to bind her in economic servitude. The situation was unfavorable to the growth of League ideals because France made everything bend to her reparation policy, decrying any suggestions tending to bring Germany within the scope of that state of goodwill on which the League rested. Germany remained suspicious of the League, whose leading members were closely associated with France, and pronounced it a league composed of her enemies and bent on binding her

to obey their wills. When we say that France, Great Britain, or Germany followed this or that specific policy, we must not hold their respective leaders solely responsible. In each country there was a very strong public opinion which the leaders were obliged to take into account, and this was particularly true in France and Germany.

During this period the personalities of the British and French Prime Ministers counted for much in the progress of European affairs. In Great Britain the Coalition Ministry of war times, headed by Lloyd George, was continued in office to solve the problems of reconstruction. It alienated the Conservatives when it recognized the Irish Free State and they withdrew from the Coalition, as they said, to save the Conservative Party from death. October 19, 1922, Lloyd George resigned and Andrew Bonar Law became Prime Minister, holding the office until failing health forced him out May 20, 1923. Lloyd George was a liberal in his domestic policies and also in his foreign policies. Bonar Law was conservative in domestic policies but not entirely conservative in foreign policy, as is shown by the fact that he did what he could to prevent France from occupying the Ruhr Valley.

In France Clemenceau, popular premier of the victorious war era, continued at the head of the government until he resigned on January 18, 1920, because he was not elected President of the Republic. He was succeeded by Millerand who became President in September, 1920, with Leygues as his successor in the foreign office. Leygues continued in office until forced out by a change in the government on January 12, 1921. All of

these three ministries held nationalistic ideas and maintained a strict foreign policy. The political crisis of January, 1921, was partly due to a feeling of weariness with this policy followed in its extreme form. The new foreign secretary, Aristide Briand, had long been known as a liberal. He remained in office for one year and during that period did what he could to tone down the bitterness of the nationalists and to build up a state of good feeling in European international relations.

In the conduct of international policies at this period the French and British prime ministers usually met in conferences. Sometimes one or the other crossed the Channel and there was a conference of two. More frequently Italy and Japan were called in and there was a meeting of the Supreme Allied Council. Of these Council meetings there were nine in 1920, six in 1921, and two in 1922. The general object was to consider some subjects connected with the war, and in this way it could be said that the conferences existed to execute the treaty.

Any business important enough to justify such a meeting was of such a general nature that it concerned the main European policy. For a mass of smaller problems growing out of the execution of the treaty, and for receiving reports from some of the Commissions created by the treaty, the Conference of Ambassadors was set up, as we have seen, early in 1920. It met weekly in Paris and its proceedings were secret. It never took up the question of reparations; but after the Supreme Allied Council ceased to meet it showed a tendency to deal with matters not related to the Treaty. One of these was the Corfu dispute, in 1923, which it

settled so badly that there was a revulsion of feeling throughout the world. When Ramsay MacDonald was British Prime Minister, in 1924, he announced that thenceforth the Conference of Ambassadors would confine its efforts strictly to supervising the execution of the Treaty. In this capacity it is still alive but its activities are much smaller; and with the completion of German disarmament and the withdrawal of the allied army of occupation it may disappear altogether.

2. *Reparations*

In all the European problems of these days reparations were an important matter. They appeared at every international Conference stalking into the room like a ghost and passing out with the assured promise of coming back again. Mr. Arnold J. Toynbee remarks of them; "By the beginning of 1923 the Reparation Problem had come to dominate the entire field of international affairs, with the exception of the Far East, the Pacific, and the American Continent." To follow briefly the course of this question is to take a brief view of the history of Europe at the time.

Soon after the Versailles Treaty went into operation the Supreme Allied Council appointed the Reparation Commission as experts to determine Germany's bill of damages under the categories mentioned in the Treaty, and it was to report by May 1, 1921. The Council, however, was greatly interested in the matter and did not let it get very far away from its own control, employing also its own set of experts. In three preliminary conferences—at San Remo, Hythe, Boulogne,

and Brussels—it laid down some main principles and arranged for an impressive Conference at Spa, July 5–16, 1920, to which Germany sent delegates, the object being to settle reparations on a workable basis. They also agreed among themselves as to the ratio of distribution of the reparation sums. France was to get 52%, Great Britain 22%, Italy 10%, Belgium, with priority for the first $100,000,000, was to get 8%, and the minor states were to get the remainder.

Arrived at Spa the Allies, holding back their own ideas, asked Germany to name the sum she would pay. She proposed to create an international syndicate of private capitalists to rebuild the devastated areas in France, to adopt a system of deliveries in kind in order to relieve the victims of devastation, and so set up and sustain a series of annuities to run not longer than thirty years. These suggestions were not acceptable to the Allies. They did not want German laborers working in France while French labor was out of work, nor German supplies sent to be consumed by French people while French products could not be sold. What France did want was a sum of money large enough to pay her native workmen to rebuild the wrecked houses and to buy from French producers the necessary supplies.

The Germans said they had not this sum, nor any way of getting it if no one would buy their produce. In Allied circles the belief existed that Germany was full of concealed money and it was urged that some way be found to bring it from cover. The Germans denied this charge and suggested that a joint Allied and German Commission of experts be appointed to consider her ability to pay and the possible means of payment. The

suggestion was accepted and a joint Commission met in Brussels December 16–22, 1920. Its deliberations were conducted on the basis of economic fact, and it proceeded harmoniously until a recess was taken. It reassembled on January 10, 1921, with the prospect of arriving at a conclusion, when the Supreme Allied Council met and took up reparations on a political basis, setting aside the work of the experts. In its place they could put nothing better; for their action had stirred up feeling in France and Germany, and the question again fell into confusion. Then the Allies occupied Ruhrort, Duisburg, and Düsseldorf, in Germany, thinking that a touch of the iron hand would bring her to submission. No such result followed.

Meanwhile the fateful day of May 1, 1921, was approaching, and it was whispered about that if Germany did not accept a plan and begin to pay by that time she would be proceeded against as in default. There was a considerable amount of opinion in Germany and out of it that France wished to make demands so high that Germany could not pay them, with the result that she would have a pretext for seizing large parts of the desired German lands. There was strong feeling on each side and it is safe to say that Germany wished to get off as lightly as possible and France was determined to get all she could make Germany pay.

April 27, 1921, four days before the fateful May 1, the Reparation Commission announced the sum it had assessed against Germany for damages at 132,000,000,000 gold marks ($33,000,000,000) and 26% of her annual exports. It did not take into consideration Germany's capacity to pay, but only sought to work out the

total of damages on the basis of the categories of the Versailles Treaty. This sum was less than the amount the Supreme Allied Council had demanded at Paris on January 22, 1921, which was 225,000,000,000 gold marks. Neither side expected that these sums would be paid down but arranged for annual payments extended over long periods. Between the two sides there was a wide gap, so that May 1 came without any adjustment. The Supreme Allied Council stormed and drew up an ultimatum, on May 5, based on the report of the Reparation Commission of April 27. Germany took it and held her tongue, not daring to refuse and fearing to accept.

Behind these negotiations was a highly excited state of public opinion, especially in Germany. When it was reported that the Allies meant, if the sums demanded by the Reparation Commission were not paid, to occupy the rich Ruhr region and hold it until paid, a spasm of terror and anger seized the German people. It was helped along by the news that France was increasing her army. But out of the confusion came a German minister of state, Herr Wirth, who had the courage to accept that plan, so much detested in Germany, on May 11. At the same time he did not leave the Allies in any doubt about the capacity of Germany to pay the amounts indicated. By scraping here and there and borrowing some sums Germany was able to pay a billion gold marks by the end of the summer, and some more by paying in kind. But in December, 1921, she announced that she could borrow no more and could not continue to meet the monthly instalments.

At that time the German monetary system was in a

bad state of confusion. The over-issue of bank notes had already produced a large amount of inflation, but draining the gold of the country out for reparation payments increased it. In August, 1921, a United States dollar would buy 60 paper marks, in September it would buy 80 paper marks, in October 115, in November 204. The imminence of ruin was so real that the Allies announced that they would not expect the next instalment to be paid at once. Thereupon the mark rose until a dollar would buy 160 paper marks. For two months the mark was nearly stationary and prospects seemed better. But at the end of February it began a rapid decline. The prices in United States dollars during the remainder of 1922 were as follows; March 253; June 290; July 435; October 2, 763; and December 6, 864.[1]

This financial disorganization convinced Lloyd George and Briand that something must be done, and they met in London, December 18–22, 1921, to see what it should be. They rejected the idea that if Germany defaulted the thing to do was to occupy the valuable Ruhr region and hold it until the money was paid. Lloyd George needed no boldness to oppose occupation, for the large majority of the British people would have nothing to do with it. But the thing was different with Briand, a large portion of whose people would welcome occupation as a proper punishment for Germany, who did not keep her contracts, and showed no concern at their violation. To them if occupation became permanent, so much the better. Briand opposed this view, realizing that it was bad policy to lay the

[1] See below, p. 199 for the later course of German inflation.

foundation of another Alsace-Lorraine dispute in Europe. The alternative course was to face the question. Did the Versailles Treaty lay too heavy reparation demands on Germany?

3. *Poincaré versus Briand*

The London Conference of December 18–22, 1921, did not answer this question, but it showed that it meant to have an investigation of it. It issued a call for a meeting of the Supreme Allied Council at Cannes for January 6, invited the Reparation Commission and other experts on the subject to be present, and prepared some suggestions on the subject for the consideration of the Conference. It was given out that the meeting and discussion at Cannes would probably be followed by "a general European economic conference." Such a general conference, having as broad a basis in Europe at least as the Paris Peace Conference of 1919 would have authority to revise, if it wished, the whole Reparation problem then before Europe. Friends of Lloyd George and friends of Briand are not agreed as to whom this scheme should look for paternity. One feature of it was to be a British-French treaty of mutual support guaranteeing each other's boundaries in Western Europe, but not extending to conditions in Eastern Europe. This proposed agreement was so much like some of the agreements at Locarno that it has been said that he who was the author of it was spiritually the founder of Locarno.

The Conference at Cannes sat from January 6 to 13, 1922. It was soon agreed that a general conference

should assemble at Genoa at which Germany, Austria, Bulgaria, and Hungary, as well as the Entente states, should be represented. Meantime a German representative was invited to come to Cannes at once to take part in a discussion of reparations. While he was awaited Great Britain and France took up the discussion of a military pact for guaranteeing the existing boundaries of Western Europe. Matters seemed to be proceeding rapidly to a settlement by which peace might be brought to feverish minds and hope to industry.

That they did not ripen for more than two years was due to France. The nationalists there were determined to make Germany keep the Versailles Treaty, and to see that she paid the reparation sums fixed in the agreement of May 11, 1921. They did not accept the idea that she could not pay them, and when Briand, prime minister, began to arrange for a general conference at which the question was to be reopened they raised wrathful protests. Unquestionably he was running ahead of French sentiment, but he was deeply engaged and when once started he was not likely to draw back. He went to Cannes in full knowledge that he was treading on a sleeping volcano.

The forces against him culminated rapidly. Word came that Poland and Czechoslovakia were in consternation, holding that they were about to be deserted by France. It was a groundless assertion, for Briand's policy, so far as it was then announced, or formed, did not contemplate a change in French policy in Eastern Europe. But the charge served the purpose of the nationalists, who filled the two Chambers with cries against Briand as one who had cringed before Germany

and turned his back on faithful friends, and what was more, they said, this venial process was going to be written into an international agreement at Genoa. So deep was the dissatisfaction in Paris that President Millerand recalled Briand to Paris, where, after an ineffective attempt to come into agreement with the President, he resigned without waiting for an adverse vote in the Chambers. He was succeeded by M. Raymond Poincaré, who stood for the demands of the extreme nationalists.

The fall of Briand did not put an end to the Conference of Cannes but it weakened its authority, so that most of its work was chopped off at the end. The general Conference, about which much has been said, was called for Genoa, April 10 to May 19, 1922, and Poincaré allowed a French delegation to attend, but he bound it so closely by instructions that nothing important could be done. It tried to save its face by discussing financial and economic betterment. Its history is of no greater importance here than to show how divided was European opinion on international coöperation.

One result of this confused situation was the German-Russian Treaty of Rapallo, April 16, 1922. These two Powers attended the Genoa Conference; but finding how difficult it would be at that time to fit themselves into any general plan of amity, they were fain to agree to help one another. In the treaty they mutually gave up reparations as between themselves, and Germany relinquished her claims to damages for private property socialized in the Russian Revolution. Making this treaty aroused much criticism against Germany, who was accused of dealing the Genoa Conference a stab in

the back. The French and Belgians were especially outspoken. Poincaré, perhaps, was glad to make it the excuse for bringing to an ineffective end the Genoa Conference, which he had never liked. It was his idea and his party's to bring Germany to peace and quiet through forcing her to execute the Versailles Treaty.

4. *Gloom in the Third Assembly*

When the Third Assembly met, September 4, 1922, the Conference of Genoa had fully realized its failure. With France leading Belgium, Poland, and Czechoslovakia into a policy of military preparedness it seemed to many sincere souls that the pre-war spirit had again sprung to life and that all the League had done or hoped to do was about to be undone. M. Motta, of Switzerland, whose warm spirit made a good barometer of that mass emotion that rises and falls as hope comes and goes, expressed the feelings of many of his colleagues when he said in this Assembly:

"If we are sincere, we must have the courage to admit that since the last Assembly in 1921 the international situation has become more acute, more troubled, more difficult; in short, it has become not better but worse. In the minds of all men the question must necessarily arise: Is the League of Nations able to counteract the perils of the situation? Is the League of Nations in a position to assuage the anguish and realize the hopes of mankind? Are there not too many great problems which elude its grasp and which, nevertheless, sap the very life-blood of peace and justice throughout the world?"

M. Motta did not place himself among the pessimists. He merely asked these questions as a challenge to persons of low spirits. He protested against those who were be-

ginning to regard the League as "a great system of international work and collaboration," not yet perfect in its mechanism and liable to break down if saddled with the most important problems. Such persons looked on the Genoa Conference as by nature within the scope of League activity and satisfied themselves with the fact that it had employed the League technique and called upon League experts.

Lord Robert Cecil also gave expression to his disappointment at what he considered a retreat of the League's forces. In a fervent speech he exclaimed:

"And then it is said: 'Yes, but there are other bodies, Councils of the Allies, and so on, which are dealing with these questions. We cannot intervene while these other international bodies are in operation.' It may be so, but I venture to say to the League that here, too, there is a transitional state of things. The League, if it is to be the great international organ, must be all or nothing. Sooner or later that will be the choice we shall have to make. Merely to exist to settle matters of secondary importance will not be to fulfil the objects and aspirations with which the League was created, and sooner or later we must take over the full responsibilities laid upon us by the Covenant." [1]

These gloomy views challenged the attention of Lord Balfour, who more than once before had raised the drooping spirits of Council or Assembly. The "prolonged applause" that greeted his remarks on this occasion indicates that he again succeeded in giving confidence to men who were well nigh discouraged. He said:

"Remember that the founders of the League conceived that they were setting up a machinery to preserve a peace which the

[1] *Minutes of the Third Assembly, Plenary*, p. 74.

founders of the League imagined they had established. They thought—and when I say 'they', in an humble capacity I was one of them myself—we thought, let me say, that we were engaged in the task of removing the debris of a great war, of re-arranging the map of Europe more in accordance with the wishes of its population, and of laying down the solid foundation of a peace which, with a little goodwill, with help from the League of Nations by the operation of moral forces, might be eternal.

"I do not say that that dream, as it was then, is not going to turn out to be a solid reality in the time of many whom I am now addressing. But evidently and notoriously all the statesmen and all the peoples of the world did not foresee the character of the post-war calamities from which we are still suffering, and the machinery of the League contrived by them was not intended, and was not calculated and was not capable, as I think, of either settling the terms of peace or itself putting an end to the great war. . . .

"We suffer in public opinion from a class of critics which say that we are the fantastic product of idle dreamers, who are going to have no effect upon the world's history, whose labors can only result, if they result in anything, in disarming the peaceably disposed nations of the world, and leaving them an easier prey to those who are not peaceably disposed. Those are the critics of one kind.

"There are critics of another type—I hope Lord Robert Cecil will forgive me if I sometimes think he belongs to them—by whom we are regarded as almost a substitute for national organizations, or, at any rate, for foreign offices and war offices, that in our efforts all separate international efforts of every nation in the world must be completely merged, and who have a view—I think in his own epigrammatic phrase—that we were to be all, for if we were not all we should soon be nothing. I much prefer that kind of critic to the first kind; I much prefer the great idealist who sees these visions of this new world always before him, and I am far from saying that they are predestined to ultimate defeat. But I would warn every man and every woman in this room that if ever we are to grow to the heights of that great ideal, it must be by slow stages, by careful remodelling of our machinery to meet new responsibilities; and the mere fact that there is some great work to be done and that in the League of Nations there may some day be found a machinery for doing it, is not a sufficient reason for plunging into tasks for which at this moment we are very imperfectly equipped, for if we were to rush in, unasked, to deal with some

great catastrophe, and if we showed, as we well might, that we had undertaken a task at present far greater than our ability—if, in other words, we insisted upon using an imperfect machinery in such a manner that it broke in our hands, then, I should venture to say, we should be doing a lasting injury to an institution on which I, like Lord Robert Cecil, pin unlimited hopes in the future.

"It seems to me to be a most ignorant reading of history, a most impossible view of the slow results, the slow cumulative effects of human effort, to imagine that we, who came into existence but a few short years or months ago, who are even now face to face with a situation never contemplated by those who created us, should take on tasks beyond our ability, and act as if we had already acquired all the authority, all the prestige, all the administrative machinery, and all the financial resources which would enable us to execute effectively these great visions of the future." [1]

M. Hymans, of Belgium, also took up the cudgel on behalf of the moderates. Speaking on September 8, 1922, he said:

"I had the honor of being a member of the Commission, presided over by President Wilson, which, at the Hotel Crillon, Paris, drew up the Covenant, which has become the Charter of the League of Nations. What was our guiding principle at that time? We thought that we were going to make a treaty which would create a new world on firm foundations and organize international peace; we were convinced that in this atmosphere of peace the League of Nations would develop without difficulty and would become the powerful organ in the regulation of international relations.

"But we cannot shut our eyes to the present situation of Europe and the world. We have signed the Peace, but peace has not been made; we are not living in peace, but in an atmosphere which in certain countries, for certain minds, is an atmosphere of war; public opinion has not completely laid aside its arms, and the idea of peace has not been re-established because the feeling of security has not been reinstated in all countries." [2]

These speeches naturally drew attention to France,

[1] *Records of the Third Assembly, Plenary*, p. 69.
[2] *Ibid.* p. 88.

whose course had precipitated to a large extent the state of discouragement prevailing in Geneva. Great interest was felt, therefore, when M. Hanatoux, of France, rose to speak. Little that he said tended to lift this discouragement. Pointing to the League's past achievements he said it ought to be less modest, since "matters were being daily referred to it," ignoring the complaint that it did little of its own vigor and only acted as matters were referred to it. He paid his respects to Lord Robert Cecil by saying: "Yesterday it was said: 'All or nothing.' This formula has its perils, and proverb for proverb, I like better 'Nothing overmuch.' " It was a lame reply to the implied criticism thrust at Poincaré's policy on so many sides; but the speaker closed his remarks with a clever orator's trick that elicited applause and enabled him to sit down with satisfaction. He reminded his hearers that one of the purposes of the League was to promote the performance of international obligations. What did this mean? Fidelity and sincerity, the very spirit of the League, and on this point he grew eloquent.[1]

Many speeches voiced the feelings of members at that time, some in one vein and some in another. They came to an end when the six standing committees began to report, and then the Assembly took up its routine duties. It postponed for another year the consideration of Mr. Doherty's proposal to strike Article 10 from the Covenant and it considered and passed on much business relating to the technical and humanitarian work of the League. At the close the President, Mr. Edwards, of

[1] *Records of the Third Assembly, Plenary*, p. 94.

Chile, expressed in a happy manner the usual felicitations and the Assembly adjourned in a good humor.

5. *The Ruhr and the Dawes Plan*

Neither the lamentations nor the reassurances uttered in the Assembly had any influence on the extreme Nationalists in France. Profoundly convinced that Germany could pay and that she was deliberately avoiding payment, they formed plans for forcing her to act. At that time there was much building and repairing of factories and machinery in Germany and this situation seemed to support the idea that Germany might pay more than she did pay.

January 2, 1923, Poincaré got a meeting of the Supreme Allied Council in Paris and laid his plans before it. Bonar Law, who late in October had succeeded Lloyd George as Prime Minister, was present and counselled moderation. The other members supported Poincaré, who thus had his will. January 10, 1923, he announced that France would take over the rich mining region of the Ruhr Valley and operate the mines so as to get the money for the reparation instalments. He also said that an army large enough to enforce obedience would be marched into the Ruhr.

The significance of Poincaré's action is that he stepped into the procession of deeds looking to conciliation, held up his hand, and stopped the procession. For a whole year he had to be given the opportunity to show what his plan was worth. Its futility was eventually proved by the refusal of the German miners to work the mines.

Germany took them on her list of unemployed, issuing paper money so freely to meet the expense that her currency reached an hitherto unheard of state of inflation. By the end of May a United States cent would buy 1500 German paper marks, by the end of July 10,000, and on November 20, it would buy 42,000,000. Thus Germany was punished. France was forced to see that her Ruhr policy availed her nothing and that it was intensifying Germany's hatred of everything French.

In Germany the financial wreck caused great apprehension of even worse ills, and the best of each party sought some means of safety. Seeking a strong man to save the situation they combined on Stresemann, making him Chancellor and Foreign Secretary in August, 1923. He removed the idle Ruhr miners from the list of unemployed, thus giving up "passive resistance" and began to patch up the system of finances.

Poincaré gained prestige through the failure of passive resistance but lost it almost at once by becoming entangled in a scheme for separating the Rhineland and the Bavarian Palatinate from Germany and setting them up as an independent state. Through these experiences France came to an altered view of reparations. She consented to the creation of the Dawes Commission to examine into Germany's ability to pay and to outline a plan of payment in keeping with the results. This step, it will be seen, was essentially the same as that which Briand had been about to take when he was called back from Cannes in January, 1922. Of the future course of the Dawes Commission this is not the proper

place to speak. The result of its action was to take the reparation question out of the field of European politics. From that time the League of Nations had better sailing, and France began to show a more truly "League Spirit."

CHAPTER IX

ADMINISTERING THE SAAR VALLEY AND AUSTRIAN FINANCES

1. *The Problem in the Saar*

THE Versailles Treaty placed on the League two administrative tasks, one in the Saar Valley and the other in the Free City of Danzig. Space permits the examination in this book of only one of the stories of the execution of these tasks, and I have selected the story of the Saar, partly because it seems the more important, and partly because that process was closely connected with those international intrigues which have been so perilous to the existence of the League.

The Saar Basin, or Territory, 741 square miles, with a population of 777,000, lies on the Franco-German frontier, north of Lorraine and near the Briey iron deposits. It contains 31 coal mines and 5 iron and steel plants employing in all about 104,000 workers. By the Treaty of Versailles Germany ceded to France in perpetuity all these Saar coal mines, partly to pay for damages to French mines during the war and partly as a credit on Germany's reparations account. As it was not considered well to leave the administration in the hands of

either Germany or France, the region was delivered until 1935 to the League of Nations. In that year a plebiscite will decide whether the administration goes permanently to Germany or France, or remains with the League. Whatever the decision, the mines will belong to France, but Germany may buy them if the plebiscite is in her favor, paying a fair price in gold. The Saar population was overwhelmingly German and was greatly alarmed at the prospects of French dominion. Germany's wanton destruction of the mines in Northern France had aroused great indignation in Allied countries and deserved punishment; but in the scheme devised by the Peace Conference a portion of the punishment was made to fall on the people of the Saar, who were not guilty of wrong-doing in Northern France.

For the administration of the Saar the Peace Treaty authorized the League to create a Governing Commission of five members, one to be a Frenchman, one a native resident of the Saar, and three from countries other than France or Germany. The Commission was given wide powers, among them the right of laying taxes and appointing officials, and it was required to report to the League Council. The district was guaranteed all its ancient rights of local government, but with the powers of the Governing Commission so large there was not much room for self-government.[1]

Its ample powers would have enabled the Commission to act as a restraint on both France and Germany had it been organized impartially. The French representa-

[1] See *The Explanatory Memorandum* and *The Council's Instructions to the Commission*, 1920, *Minutes of the 2nd Council*, 4th Session, pp. 27–31, and 6th Session, pp. 3–15.

tive, M. Rault, was made President of the Commission and of the others one was from Belgium, a state closely under French influence, another was a Dane who had lived 20 years in Paris and was thoroughly French in feeling and ideas, and the other was a Canadian. The Saar representative, Herr van Boch, was a worthy German. When he saw that the President and the Belgian and the Dane were adopting a pro-French policy he resigned, in September, 1920, and the Council appointed as his successor a man who proved a complete tool of the French group. Thus it came about that through three or four years the Commission was chiefly in the French interest, and a course was adopted which threw the natives into despair. They believed that a well planned course was being steered for establishing a French interest strong enough to carry the plebiscite in 1935.

2. *Hopes of the French*

When Herr van Boch resigned he did not disguise his reasons and he asked the Council to send competent investigators to see what was the real situation in the Saar. The Council declined the request and accepted his resignation, giving as its reason an unwillingness to hear complaints over the head of the Commission, and ordering that future complaints should always go first to that body who must send them, with comments, to the Council. M. Rault proved himself very clever in keeping the confidence of his superiors, and although several protests were made against this course, none of them came to anything. As President he had great

authority in initiating measures, and as the representative who attended Council meetings in behalf of the Saar, he was in a position to give color to the ideas of that body.

In the later history of the Saar Basin the character of M. Rault is an important factor. His early official career had been spent as a Prefect in Lyons where he had shown administrative ability. In his administration of the office of President of the Governing Commission he seems to have considered that he still had the autocratic powers of a Prefect. He did not know how to preside as first among equals, but assuming large powers in his own hands he tended to hold his colleagues as his subordinates. He was upright, active, honest in his administration; but he was intensely French and was in sympathy with the strong national views of Poincaré. His national bias made him sure that the Saar Basin ought to go to France and enabled him to interpret the Versailles Treaty to that effect. He was the head and front of the French party in that area.

In passing on the attitude of the Council we must remember that Germany was bitterly hated by many people, and there was little disposition in public opinion to pay attention or inquire into her complaints. This remark may with equal truth be made of the Eupen and Malmedy plebiscite. It was one thing to go into an Aaland Island affair, where Germany was not concerned, in the spirit of impartiality and another to take up in the same spirit the complaints of Germany about her treatment by her conquerors. Nevertheless, the Council should have been better than ordinary men; and its conduct in the Saar controversy was mixed with

a lot of human frailty. Its determination to support the Governing Commission, come what would, was an antiquated idea in politics, unless accompanied by a willingness to find out how far the Commission deserved it.

In 1922 the French Government sent M. Dariac, President of the Finance Commission of the Chamber of Deputies, into the Ruhr, Rhineland, and Saar to report on conditions there relating to French interests. His remarks on what he considered the proper French policy in the Saar Basin are exceedingly interesting. It is not right to consider them as the French official objective, for they were not adopted by the Government; but they undoubtedly represented the views of a large portion of the French people and perhaps the views of most of the French officials who had to deal with the subject. From his remarks on "The French Policy in the Saar" the following characteristic statements are taken: [1]

"The official is in general hostile to us; the teacher retains the German culture and transmits it to the new generations; the clergy, in a country predominantly Catholic, shows a prudent reserve explainable by the uncertainty of the morrow.

"A delicate, prudent, sustained policy is essential: the progressive replacement of these Pan-German officials, the conquests of the school, alliance with the clergy whose national sentiment is easily dominated by a preoccupation with adaptation to the forms of a new régime, the utilization of the press, the organization of the working classes into trade unions with a defined tendency being problems which offer themselves to our meditations."

M. Dariac then proceeded to discuss the creation of the Advisory Council, which had just been authorized

[1] *Dariac Report* pp. 25, 26, 27.

by the Governing Commission.[1] This step he thought premature, since it gave the Saar population an opportunity to express their ideas. "Undoubtedly," said this clear visioned politician, "all deliberations, motions, or resolutions tending either directly or indirectly to do injury to the legal conditions created by the Peace Treaty of Versailles or to subsequent ordinances of the Governing Commission will be null and void. But can one prevent an elected assembly, on pain of nullity, from passing resolutions, from bringing them to the attention of public opinion, of opinion in the Saar, in Germany, in Allied countries? The fact is that for the first time the power of speech has been restored to the Saar populations, which will have to pronounce for or against France, an eventuality full of dangers. . . . The future of our Saar policy is at stake. It would be puerile to deny it, and it would be lamentable to fail to take every possible step to conjure the peril."

The natives made many charges against the Governing Commission. Some of them were the minor complaints to be expected in such cases. There were altercations growing out of the sensitive feelings of a solid German population in the hands of a French army, editors who protested were arrested and other persons who spoke their minds were sent out of the country. German agitators coming into the region were dealt with in a summary way.

These small matters had weight in arousing public feeling, but a more sufficient ground of protest was the retention of a French armed force numbering 5,000 men, or more, on the ground that it was needed to pre-

[1] See below, p. 178.

serve order. On this point the Versailles Treaty said:

"There will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden. Only a local gendarmerie for the maintenance of order may be established. It will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin."

The Frenchman's interpretation was as follows:

"This article simply means that the Governing Commission has not the right to constitute a local army; it contains nothing against the sojourn of French troops in the Saar; nothing in the text of the treaty, indeed, restricts the powers of the Governing Commission in the choice of the means which will enable it to assure the protection of persons and property."

This contention was accepted as sound by the Council [1] until indignant public opinion forced it to take notice. The Council finally ordered the development of a constabulary and *pari passu* the reduction of the military force. It realized that it was impossible to organize a large local police that was true to France, and that, perhaps, was a determining fact in their course.

The Peace Treaty gave to the Governing Commission extensive rights of legislation, but it provided for the creation of a body of elected representatives whom the Governing Commission was to consult in making laws without being obliged to follow their opinions. As the months passed without the appointment of this body the inhabitants took it as a wrong and complained so that the Governing Commission ordered the election of an Advisory Council. The author of the "Dariac

[1] *Dariac Report,* published by the *Manchester Guardian,* March 5, 1923, and reprinted in pamphlet, pp. 19–27.

Report" saw in this action a step very disastrous for France. "The whole of the people of the Saar," he exclaimed, "are going to vote for competing lists. One of them may have an absolute majority. It is precisely a plebiscite to which we are committed. If it turns out well, what a success! But if the German candidates carry the day, what a setback!" The result of the election was that only two of the thirty representatives chosen were French supporters, and these were very moderately French. The Advisory Council could not make laws, but meeting as it did every three months, it became the mouthpiece of native opinion and had a strong influence on outside opinion.

Another ground of complaint was the adoption of French money and certain restrictions on trade with Germany. The fall of the mark would justify the Governing Commission in using the franc, but with the mark going down daily the Saar merchants, importing supplies from Germany, found themselves at a disadvantage. Eventually it was an advantage to have a steady currency, but the transition produced hardship. The German population believed that all the French were doing was with a view of winning the people away from Germany against the coming plebiscite, and they took the adoption of the franc as another step in that direction. They received in the same way the inclusion of the Saar in the French customs union, a step which, despite the advantages at the time, cut off well established trade lines, or reduced their operations.

January 11, 1923, the French entered the Ruhr and the reaction on the Saar miners was strong. They showed their sympathy by holding meetings and form-

ing parades. January 5 to May 17 the Saar miners were on strike for higher wages, a demand which in the end was partly conceded. Under the circumstances the Governing Commission became alarmed and adopted stringent measures. One of the decrees it issued made it penal to utter sentiments likely to incite to a breach of the peace, and in this category was included speaking against the League of Nations. Another decree forbade picketing peaceful or violent. Both decrees were criticized far and wide.

3. *The Investigation of* 1923

The protests were especially strong in Great Britain, where opinion had already been aroused by the occupation of the Ruhr. May 10, 1923, the House of Commons expressed its uneasiness in a vote of censure, and June 21 the Government asked the League to take steps to see if the Governing Commission had followed the letter and spirit of the Versailles Treaty. In response the Council took up the matter in its Geneva meeting, July 2 to 7.

Lord Robert Cecil was present as the British representative and presented the request of his Government that the following points should be investigated: 1. Were the members of the Governing Commission to be considered as representatives of their own states and to be permitted "to maintain relations with them"? Rault was in such relations with the French Government and held that it was his duty to protect French interests in the Saar. 2. What power should the President of the Governing Commission have? 3. What right had the

Commission to make laws without consulting the Advisory Council? 4. What was the procedure of the Commission concerning the protection of persons and property in the Saar? [1]

Alluding to this memorandum Lord Robert told the Council that he wished to present it in a public session. M. Hanotaux, of France, observed that it was not a subject to discuss in public and if one side was presented publicly the other would wish the same privilege. Whereupon there arose a spicy debate, Lord Robert contending for full publicity. "In his opinion," say the minutes, "the Council had injured its reputation in the eyes of public opinion by appearing to settle everything in private and then making a public statement afterwards. The real discussion should take place in public. He could assure M. Hanotaux that nothing he would say would be of a character likely to embitter the debates, nothing was further from his intention. The object of the League of Nations was to arrive at an agreement and none of its members should enforce particular points of view. If any other procedure were adopted, it would mean the end of the League." He added that he did not doubt that in the main the conduct of the Governing Commission had been good, but that a very disagreeable opinion had been formed abroad—no doubt unjustifiably—and that the proper thing would be to have all the proceedings before the public so that the public would not think that something was covered up.

M. Hanotaux replied that it had always been the cus-

[1] *Minutes of the Council*, 25th Session 854, 859–871, 872, 908–927, 930–932, 938, 939. This inquiry is well summed up in Frank M. Russell's *International Government of the Saar* (Univ. of Calif. Pubs.), pp. 217–233.

tom to consider a matter in private before letting the public in to witness the discussion. "There was no harm," he said, "in settling in private certain aspects of the question before discussing in public all the points really worthy of the public's attention." He urged a preliminary private consideration as a means of harmonizing views, not explaining how one could harmonize the plain question of investigation or no investigation. Other members of the Council suggested compromises: Lord Robert was unmoved and demanded a vote. Then, say the minutes, "After an exchange of views," the matter was postponed until the next meeting. What attempts at conciliation were made in the interval we do not know, but the bull-dog purpose of the British delegate was not shaken, with the result that the British resolutions were taken up in public meeting July 3, 1923.

At that time Lord Robert made a long speech setting forth the need of an investigation and ending with a demand that the inquiry be made, not by a committee, but before the Council itself. In his speech, he went far to credit the Governing Commission with the good it had done. In view of France's strong position in the Council and out of it, no other course was prudent. M. Hanotaux spoke next. He seized on his predecessor's concessions about the Commission and heightened the effect by minimizing the shortcomings. He said that after all there was not much to complain of but the decree regarding personal liberty and this, after all, was effective in preserving order.

The way the Speaker treated this incident has an interest of its own. "As so much has been said," urged

M. Hanotaux, "concerning this provisional decree, I shall pause for a moment to consider it. Justice obliges us to recognize that up to the moment of the strike everything was proceeding as well as possible in the Territory of the Saar. . . . Sixty thousand workmen were involved, fired by a campaign of extraordinary violence," etc. Now the point is that between these two sentences, so nearly in correct sequence, come 1350 words of tributes to the Governing Commission, some of it long extracts showing that the Council, and several British statesmen—among them Lord Robert Cecil himself in 1921—had been satisfied with affairs in the Saar Basin. The introduction of this extraneous matter in this place, to lessen the effect of the indefensible strike order, is a good illustration of special pleading for public reading; and we should hardly have had the opportunity of seeing it if the matter had not come up in public session. The speech was a hearty defence of the policy of M. Rault.

It was followed by M. Branting, of Sweden, who supported the British request, and the Council voted to have the investigation and to conduct it in its own presence. But when Hanotaux asked that the examination of the members should be held in private session, Lord Robert did no object, saying that otherwise "personal questions might be raised."

The examination of M. Rault by Lord Robert Cecil was long and searching. Rault admitted that he, as the French representative, thought it his duty to look after the interests of France, but on being brought around to the point again he agreed that his chief duty was to act impartially from the point of view of the League. He

admitted that the Governing Commission had an office in Paris but said it was only for forwarding letters and answering questions about custom duties, etc. He also admitted that he corresponded with the French Government, and that he submitted to the Commission only those letters that he thought should have their consideration. He said that the members of the Commission had divided the official business between themselves and each looked after his own division and brought before the Commission in its weekly sessions only what he thought fit, and he admitted that during the strike he had called on France for reinforcements for the troops without previously consulting the Commission. He said he had done this according to a plan previously formed by him as head of the department of the interior and he seems to have meant that this plan had not been laid before the Commission. He testified that before the strike there had been in the Saar from 5000 to 6000 soldiers and that when he was testifying, i. e., after there was an outburst of public criticism, the number was about 2200 of whom 1800 were available for duty, that these troops were paid by the French government and under its orders, but in time of the strike, they were under his orders, and that the Commission was training gendarmes for use at the rate of 200 a year and that it would take 4000 for the Saar.

Asked why the decree of March 7, 1923, muzzling the press, had not been submitted to the Advisory Council, as the Treaty required, M. Rault replied that (1) the Advisory Council was not in session, and (2) the press was very violent in its abuse of France and in view of the fact that he represented French interests

"he thought it impossible to tolerate such violence on the part of the press." (3) the police had reported the existence of two German secret societies in the Saar, although he did not explain why free speech should on that account be restricted, and (4) the order was not submitted to the Advisory Council because "that body would not have discussed it immediately and a very violent protest against that decree would have been made in the Saar" and the Saar press would have advised agitation and organized demonstrations which was precisely what M. Rault wished to prevent. "The very announcement," he observed, "that the ordinance was about to be promulgated would have created fresh agitation." He said that the decree had been discussed by him and the Belgian member of the Commission and was issued on their personal authority and that the report that it originated with the French government was false.

Replying to a further question he said he informed the French government of the decree after it was issued, but in doing so he acted on his own authority. He made the point that a similar law existed in Germany, where the Germans did not think it a hardship. When it was promulgated, he said, he suspended four Saarbruck newspapers for 24 hours as a warning. They had published "violent denunciations of the French and Belgian attitude in the Ruhr, with most insulting headlines regarding the French troops." One of the papers renewed the offence and was suspended for a week. Repeating the offence it was suspended for a fortnight.

With respect of the decree forbidding peaceful picketing M. Rault said that picketing was not au-

thorized by German law, which was applied in the Saar, but had merely grown up and become a fact under court decisions. To modify it by a decree was, therefore, permissible. In the Saar were 42 pit heads of the mines, and 580 picketing posts had been established around them so that the distance between was from 50 to 100 metres. At each post were six men armed with clubs and accompanied by dogs, so that it was impossible to pass, and freedom to work no longer existed. Picketing was forbidden, he added, because there was no means of keeping it in bounds, and he thought the decree should be permanent. He closed his testimony by saying that on July 2, 1923, a decree of amnesty had been issued for all recent offences. He was on the stand from 10 A.M. until the end of the morning session, and the net result of his replies, always defended by his explanations, was that he had exercised a strong influence in the conduct of affairs, that he had acted in close touch with the French government, not in the spirit of precise impartiality, and that he and his government had taken very little account of the Advisory Council.

From the testimony of Mr. Waugh, Canadian member of the Governing Commission, head of the finances, it was seen that the account of the fiscal year 1920–1921, which had been turned over to M. Rault, had never been submitted to the League of Nations but had been placed in the hands of the French Government as soon as issued. This course, it was brought out, was because the French Government asked for the report with an idea of studying the item of the French-owned mines. When it was found that France paid 80% of the Saar revenues she declared the amount too high.

Rault went to Paris, had a conference with the Treasury, gave a promise that the taxes should be reduced, and the Governing Commission ratified his promise. Mr. Waugh, head of the department of Finances in the Saar, was not consulted in this matter. The Canadian member testified that in his opinion it was not necessary to issue the decree of March 7, 1923, that the strike was progressing without violence, that from the 500 persons in the department of finance, distributed all through the territory, he had heard nothing alarming, and 75% of his subordinates were Germans. He said that the introduction of the franc was wise financially but bad politically. He thought that it was well to be able to fall back on the French troops in time of danger but that it would be better to keep them across the border and call on them when needed. He elicited a speech of thanks from Mr. Hanotaux by saying that these soldiers had conducted themselves in an exemplary manner.

The examination of the Commissioners ended the Council's investigation. A group of leading citizens of the Saar were in Geneva and asked to be heard, but they were ignored. It was an accepted principle, clearly proclaimed by Hanotaux, that the proceedings must not take on the form of an inquiry (*enquête*), since that would undermine the authority of the Commission in the territory. Such was the idea, no doubt, of the majority of the Council.

How to frame resolutions that did not deal too severely with the object of suspicion was entrusted to a Committee of which Mr. Hymans, fellow-countryman of one of the men under fire, was chairman. At the

afternoon session of July 7 he offered nine resolutions speaking highly of the general ability and success of the Commission. Nothing would be said about the decree of March 7, since it had been withdrawn, and as to the other "exceptional measures" the Commission was to take steps when it thought fit "to return to the normal course of law." The offer of amnesty and the adoption of the franc were approved, and the opinion was expressed that foreign troops should be withdrawn as soon as possible and replaced by local gendarmerie.

M. Hanotaux received the presentation of these resolutions with a little speech on unanimity in the Council, which was probably uttered as a sort of reminder to Lord Robert Cecil that the votes of the Council were unanimous. The British representative, whose long suit was self-control, accepted the resolutions with as good a face as possible, again expressing his high esteem for the excellent work of the Governing Commission. He could afford to bow his head a little; for against M. Hanotaux he never could have carried a resolution of censure, or even have then obtained the removal of M. Rault. On the other hand, the ventilation of the affair had taken the edge off Rault's autocracy, called attention to the French purposes in the territory, and taken down a notch or two the self will of the French *bloc* in the Governing Commission. The natives of the Saar agreed that the discussion had done good.

4. *Later History of the Saar*

While the investigation progressed it was freely said in the Saar Valley that France aimed to control Saar

education. As the subject was not mentioned in the British memorandum it played no part in the investigation. But the Saar press continually alluded to it, the Advisory Council passed resolutions on it, and August 9, 1924, Germany sent a protest to the League accompanied by opinions of experts tending to show that the Treaty was violated. This complaint was referred by the Council to the Governing Commission who replied that it was unfounded. The Commission's report was endorsed by Mr. Salandra, the *Rapporteur,* who presented it to the Council, which accepted it.

The actions complained of, if true, were bad enough. It had been agreed that French schools might exist for the children of French people living in the Saar Valley, most of them officials. But it was claimed that once opened various forms of persuasion or coercion were employed to get German children into them, that excursions into French territory were given without expense to the children, and that German workmen had been assigned good dwellings, the property of the mine-owners, on condition that they sent their children to French schools. In the spring of 1924 there were in these schools 4,446 children, of whom 3,110 were children of miners. All these allegations were ignored by Salandra on the ground that they were not proved. The request of M. Kossmann that the Permanent Court of International Justice or a committee of Jurists be asked to say whether or not the educational system in use in the Saar was authorized by the Versailles Treaty was also ignored.[1]

[1] *Minutes of the Council,* 28th Session, pp. 544, 545, 31st Session, pp. 1693–1695; 32nd Session, pp. 145, 247–274. *Official Journal,* 1924, No. 11, Part 2, pp. 1693–1703.

It was evident that the Council was going to stand by the Governing Commission, either because it felt that it was necessary to support its authority or because of the strong influence of France in the Council. At the same time the forces of reform were working. Shortly after the investigation of 1923, Mr. Waugh, the Canadian, who was usually in opposition to M. Rault, resigned his seat to take a post under the Government of Manitoba, and was succeeded by Mr. Stephens, also a Canadian. The public had been looking for resignations but in other quarters. At the December, 1923, session of the Council the terms of all the members expired and people began to ask if they would be renewed. The decision was to put over the choice until the April 1924 meeting, continuing in the interval all the incumbents; and the public concluded that something was brewing. In April the Dane resigned and was succeeded by a Spaniard, and Mr. Kossmann succeeded the former Saar member, who was of the French party and much disliked by the Saar people. That was as much change as could be expected at one time without producing the impression of a house cleaning.

February 27, 1925, when another election was approaching, Sweden proposed to the Council that in the future the Presidency of the Governing Commission should rotate. To this suggestion Salandra replied, as *Rapporteur,* that he should oppose a plan by which the Council relinquished its right to a free election. He suggested that the five members be reappointed, and that M. Rault be President for another year, and he added significantly; "No member of the Commission should have the right to expect his term of office to be

renewed from year to year, seeing that the appointments are made by the Council for one year only." Fair warning, M. Rault!

He read it aright and when the Council met in the spring of 1926 it had before it a letter in which he announced that he did not wish to be reappointed. His decision was accepted by the Council and on motion he was called before that body and formally thanked for faithful administrative services and praised for his industry, all of which he merited. He was a good civil servant and the only complaint made against him was the French slant he gave to his administration. Mr. Stephens succeeded him as President of the Governing Commission, and M. Morize as French representative. At this time M. Briand sat in the Council as his country's delegate.[1]

5. *Distress and Humiliation in Austria*

The history of Austrian financial restoration may be summarized as follows: Early in 1921 a number of Austrian economic and industrial organizations called on the League of Nations for help in reorganizing Austrian finances. The request was referred to a Committee of the Council, whose report was unfavorable and no help was given at that time.[2] But the Supreme Allied Council became interested in the matter and March 27, 1921, asked the Council to look into the situation and see if it could not be adjusted under the ter Meulen, or International Credits, Scheme, which had

[1] *Minutes of the Council*, 33rd Session, p. 462; 39th Session, pp. 52, 531. For the later history of the Saar Commission see below, pp. 368–372.

[2] *Minutes of the Council*, 12th Session, pp. 36, 166.

been worked out a little earlier, in 1920, by the Brussels Economics Conference. Under this incentive the Finance Committee, a section of the Provisional Economic and Financial Committee of the League, took up the matter and in two reports outlined a plan by which Austria could borrow a sum of money for meeting her difficulties secured by ter Meulen Bonds. It was accepted by Austria, but its success lay in getting those Powers that had liens on Austria, for reparations and other purposes, to consent to the suspension of such claims for the period of 20 years. Most of the Powers agreed to the suspension, but several held out, among them the United States, whose assent was not given until the Spring of 1922. At that time Jugoslavia, Greece, Poland, Portugal, and Rumania had not given assent, but all but Rumania had indicated that they were prepared to do so.

This long delay caused much financial confusion in Austria, who could not borrow money anywhere on her own credit. Finally the Committee was able to get Great Britain, France, Italy, and Czechoslovakia to agree to advance a moderate sum; but when approached Austria said that political conditions within her boundaries did not at that time warrant the appointment of a Financial Adviser to supervise the administration of her finances. The result was that at this time, the spring of 1922, these negotiations came to a halt. The Council was not willing to proceed in the matter unless it had the control of Austrian finance.[1]

[1] See *Minutes of the Council*, 13th Session, pp. 57, 275; 14th Session, pp. 99; 148, 157; 18 Session, pp. 617, 619, 657–668.

The Austrian problem had now settled down to this state: For three years the country had lived "largely upon public and private loans, which have voluntarily or involuntarily, become gifts, upon private charity, and upon losses of foreign speculators in the crown." She had used in ordinary consumption the money she had borrowed for the restoration of her finances, justifying her action on the ground that the alternative cause led to revolution. She had rejected the plan of the League's Financial Committee because she objected to placing her affairs in the hands of a Financial Adviser. Being bankrupt she nevertheless objected to going into the hands of a receiver in bankruptcy. The League took notice of her position and ceased its offer. In a short time came a pathetic appeal for a moratorium in order that she might borrow more money to be spent by the same government that had spent the sums already borrowed. No moratorium was allowed her at that time and meantime her condition grew steadily worse. Some months later she accepted the inevitable and asked for a Financial Adviser; and then the Reparation Commission allowed her a moratorium. She lived to consider this acceptance of a receivership as the wisest of her actions in this distraught period.

It was in August, 1922, that Austria humbled her pride and accepted conditions. Her appeal was to the Supreme Allied Council meeting in London, which referred it to the Council of the League with the suggestion that another investigation be made. The suggestion was received in good spirit and a Committee was appointed with Lord Balfour for Chairman to report

on the course to be followed. At the same time Austria and Czechoslovakia were invited to attend the next meeting of the Council in Genoa.

Monsignor Seipel was then Chancellor of the Austrian Republic and on September 6, 1922, he plead for his country before the League Council. He pictured her pathetic economic situation due to the fall in the value of money. A loaf of bread that had cost half a crown before the war now cost 6,000 crowns and the shirt that was once bought for 6 crowns now cost nearly 200,000. Austria, he admitted, had held on to the idea that she could solve her problems in her own way, but now she knew she could not do it alone and wished the aid of the League. He spoke under great excitement which may to some degree excuse the warning that was all but a threat with which he closed. In his distress, he said, he had recently visited some of Austria's neighbors to advise with them about the situation. "I did not wish to submit the question to the League of Nations without reaching an understanding with our neighbors. This visit had, I frankly admit, yet another object. The Austrian people, rather than perish in isolation, will do everything in their power to make a last effort to break the chains which are oppressing and strangling them. It is for the League of Nations to see that this effort does not endanger the peace of the world or our relations with our neighbors." [1] At the next meeting of the Council Mgr. Seipel designated his Austrian colleague, Herr Grünberger, to speak for him, and thereafterwards, so far as the Records show, he did not take part in the discussions.

[1] *Minutes of the Council*, 22nd Session, p. 1449.

The Council put the matter into the hands of its Austrian Committee, Lord Balfour, chairman. To the Austrian delegates it directed some searching questions. Supposing loans could be found what security would be given? What were the prospects for preserving order in Austria? Would she accept external control over the use made of the borrowed money, it being understood that the control did not extend to her sovereignty?

Mr. Greenberger, speaking for the Austrian Chancellor, made reply as well as he could. Formerly Austria's revenues were mortgaged by charges imposed on them in the Treaty of St. Germain, but in July the Reparation Commission had released some of them. He thought Austria could give ample security by pledging her forests, her salt mines, her tobacco monopoly, and her customs. His tone was conciliatory. Control by the League, he admitted, was "inevitable and even natural," but he insisted that it should extend only to matters of credit. On this point both he and the Austrian Chancellor showed that they had once looked on control by the League as likely to bring Austria into the hands of the Great Powers. After they came into personal contact with the members of the Council and understood their sincerity they dismissed their suspicions. M. Greenberger's statement was satisfactory and the Council adjourned until the newly created Austrian Committee could report a plan of adjustment.

6. *In the Hands of the League*

That Committee called on the Finance Committee, which, as we have seen, had in the preceding spring

vainly tried to get Austria to submit to League control. From the Finance Committee came an elaborate report, which may be described freely as it became the basis of the scheme finally adopted. It dwelt upon Austria's unfortunate situation and indicated the remedy to be applied. The indictment of the existing régime in Austria was frank and convincing. The proposed measures for restoring the finances were simple. Two years, said the Financial Committee, would probably be required before the budget could be made to balance, and within that time money would have to be borrowed to cover the deficits. For this purpose and to meet some obligations already incurred it would be necessary to have 650,000,000 gold crowns. It was proposed that the Great Powers should guarantee this sum.

The public revenues and public expenditures of Austria were in a sad state, and the directors of the proposed reforms must use heroic measures in restoring them to a normal state. The city of Vienna, it was pointed out, had as many officials in 1922, when Austria had 6,000,000 inhabitants, as before the war when it had 30,000,000. The railroads, partly through being overmanned and partly through operating with low tariffs, were losing 120,000,000 gold crowns a year, and the annual deficit in the operation of all the state industries was 170,000,000 gold crowns. By discharging useless officials and reducing salaries where it could be done it was thought that 130,000,000 gold crowns could be saved each year.

The Financial Committee pointed out that these reforms would produce much suffering for the time, but

they must be endured if Austria was to be saved from chaos. They also indicated that it would be less difficult for an extraneous authority, in whose fairness the Austrians trusted, to carry them through than for an Austrian government to execute them. It was proposed that Austria should (1) begin at once efforts to increase her revenues; (2) place her finances under the control of the League of Nations and co-operate heartily in carrying out the scheme; and (3) pledge her customs revenue and her tobacco monopoly to secure the loans for 650,000,000 gold crowns which the Powers were to underwrite.

This plan was accepted by the Austrian Committee and by the Austrian Government, but difficulties came up with Italy, whose people had long looked on Austria as their enemy and oppressor. When it came to getting the Powers to underwrite the loan difficulties occurred at Rome. To the Marquis Imperiali, Italy's representative on the Council, fell the task of smoothing out the situation, work he did with great tact and patience. It was not until October 4 that all was arranged and the necessary protocols signed. In order that public opinion in Austria should not be shocked the Powers signed a manifesto pledging that the arrangement had no political significance and did not lessen Austria's sovereignty and declaring that financial control should be exercised solely under the authority of the League of Nations.

The progress of these negotiations was watched with intense interest, and when they seemed about to fail great discouragement was manifest not only in the Council but also in the Assembly, which sat until Sep-

tember 30. The Council Meeting on October 4, 1922, when success was announced, witnessed the release of long pent-up feelings. Lord Balfour reviewed the case and explained the settlement in a speech full of emotion; and other members of the Council spoke in the same tone. But the most notable utterance came from the Austrian Chancellor in whose first speech before the Council was not concealed his distrust of the situation into which necessity had led him. He now blessed his colleagues for their evidences of goodwill and thanked God that the "League of Nations has not failed us."

M. da Gama, of Brazil, President of the Council, who had been most solicitous of the results, in adjourning the session gave expression to his "profound satisfaction that the current session of the Council had closed in such a striking act of international solidarity."

"The success," [he said], "on which the League of Nations can congratulate itself is due to the untiring perseverance with which all those to whom it has entrusted the task have worked for the Austrian cause. It was a great pleasure to me to be present at some of the meetings of the Council and to have an opportunity of witnessing the zeal of its members and the efficiency of its methods. To watch the Austrian Committee at work under the Chairmanship of Lord Balfour roused my highest admiration as a public man, and the result it has achieved fills my Austrian heart with gratitude. I wish to express the profound gratitude of my country to all the eminent men who, in the Council or in the Assembly, in the Austrian Committee and in the Secretariat and the various permanent committees of the League of Nations, have worked for the solution of the problem we have submitted to them. I earnestly hope, for their sakes and ours, that the scheme they have worked out in the course of these weeks will soon become a living reality and an established fact."

The execution of League control in Austria was con-

fided to a Commissioner-General, to which post Dr. Alfred Zimmerman was appointed. He had for advisory purpose a Commission of Control, appointed by the League and reporting to it. His task was easier in one way than was expected and harder in another. The announcement that the League would come to the rescue caused the paper crowns of Austria to cease to fall and in November they were stabilized and thereafter remained stationary. This process restored confidence, trade improved, and the revenue increased. The estimate for 1923 had been 100,000,000 gold crowns: it proved to be 190,000,000. In 1924 it was 270,000,000, and the prospects were so bright that in 1926 the control of the League was withdrawn.

The unfavorable side of affairs was the suffering that naturally came from reducing the extravagances into which the old régime had fallen. Useless public officials to the number of 84,000 were dismissed, with the result that a vast amount of suffering occurred, and a great deal of criticism was hurled at a system that showed so little sympathy for the unfortunate. One of the results was a great increase in unemployment and a decided reduction of the remuneration of the middle classes. These consequences had been foreseen, but they none the less embarrassed the work of the League in Austria, which in other respects accomplished its objects brilliantly.

The rescue of Austrian finance was a timely achievement for the League of Nations. It came late in a year which had opened with the dismal failure of conciliation at Cannes, and served to restore the faith of the League supporters in their own cause. It is im-

possible to read the records of the Council for this period without seeing, also, how earnestly the members strove to bring the affair to a successful issue. Here was a matter in which no nation could expect any selfish gain. It was before a Council, every member of whom was closely connected with his own government. Yet they worked as earnestly for success as if the salvation of Austria meant the specific advantage of each of the Powers represented. To those members of the Assembly who thought the League was passing into the control of the Great Powers it should have been reassuring to see Viscount Imperiali, representing Austria's ancient enemy, working as hard as the most enthusiastic League supporter to promote an act of purely humanitarian significance.

CHAPTER X

THE CORFU CONTROVERSY

1. *Origin of the Incident*

PROBABLY the Corfu dispute, which broke out in the late summer of 1923, was the darkest spot in the history of the League. Other crises may have seemed equally bad when they were actually at hand, but they improved before they ended. So it was with the Polish-Lithuanian dispute in which the award of Memel to Lithuania was a mitigating end of the affair. The Saar dispute, by careful manipulation, was eventually brought to a state of nearly equable solution. The crisis of March, 1926, connected with the permanent seats on the Council was chiefly due to the fact that certain men ignored the League.[1] The Corfu incident had no redeeming feature, unless we may say that it obtained delay and thus led to a settlement by negotiations instead of success by crashing down the mailed fist. It began with such a demonstration, it ended when the victor carried off a large sum of money, to which he had no other right than permission to take it because no nation wanted to take the trouble to oppose him.

The crisis was also interesting because things began

[1] See below, pp. 312–319.

to improve after it passed, and for this unexpected change the following reasons are suggested: 1. Italy did not get all she was supposed to want and she did not continue to follow the aggressive course she took at Corfu. 2. France's experience in the Ruhr was not a success and her attitude did not continue as stout as in the summer of 1923. 3. Political changes in France and England brought parties into power that were clearer reflections of popular opinion in those nations, so that it was easier to use their influences for harmony. 4. The Dawes Commission was soon appointed and reached a decision which took reparations off the list of actively debatable questions. All these things made easier going for the League. For these reasons the Corfu incident seems to be a turning-point in the history of the League.

October 30, 1922, the Fascists, marching in four columns, entered Rome and Mussolini formed a cabinet of which he was the head and in which he was the Foreign Secretary. From parliament he received a grant of full power for a year, using it to clear away the chaos which an incompetent socialistic and communistic régime had produced in all branches of the administration. He faced a deficit estimated for the fiscal year 1923–1924 at 6,500,000,000 lire. The railroads, in state hands, were greatly overmanned, and so run that the actual working day was from five to six hours. By discharging 55,000 men, by requiring eight full hours' work in a day, by strictly dealing with thefts of railroad property, by giving up the communistic innovation of paying unskilled labor as much as skilled labor, and by reducing the large number of free passes he gave Italy an efficient railroad system. He introduced similar re-

forms in the postal system, so that from the two departments he had a saving in expenses of about 2,000,000,000 lire a year. His influence on domestic affairs was salutary.

Although Mussolini announced himself as of no party, his strong policy brought him at once the support of the Nationalists, and along with it came a large portion of the Liberals, among whom was Salandra, formerly prime minister, and a man of good sense and capacity as a negotiator. Mussolini's fervid appeals to the glory of ancient Italy fired the hearts of his people, and brought the Italians to such a state of mind as made them willing to attempt any adventure promising an enlargement of Italy.

We have seen that in 1921 the Conference of Ambassadors had decreed that a Commission should actually run the line dividing Albania and Greece.[1] In the summer of 1923 this Commission was proceeding slowly in the completion of its task; and each step was watched with eager interest by the people dwelling along the frontier and the decisions on disputed points were received with warm feeling. To the Greeks it seemed that most of the points went to Albania and they held General Tellini, the Italian head of the Commission, responsible. He was much hated and probably a group of violent persons undertook to kill him. On the morning of August 27, 1923, he and the remainder of the Commission were passing along a road in Greece near Janina, the Albanian Commissioners in a Ford car, the Greeks in another Ford, and the Italians in a large Italian car, all starting in the order just indicated. On the

[1] Above, p. 129.

road the Greek car had engine trouble and stopped so that the Italians passed ahead. After a space the Greeks proceeded on their way and at Kakavia, quite near the Albanian frontier, they came on the Italian car, stopped by some branches of trees thrown across the road and on the ground near at hand the dead bodies of General Tellini, two of his Italian associates, his Italian chauffeur and his Albanian interpreter. Tracks through a path in the woods showed that they had been killed by a party of five or six men who had come from the direction of Albania and gone back that way. In the investigation made later no conclusive exidence was offered to identify the murderers.

The moment the Greek government learned of this affair it expressed profound regret to the Italian government through the Italian minister in Athens and promised that the murderers should be punished.[1] In Italy, however, feeling reached white heat in an instant. Mussolini, voicing the indignation of his people, sent to Greece a peremptory note on August 29 with seven demands in it. Three of them were: 4. A drastic inquiry into the crime in the presence of the Italian military attaché. 5. Death for all who were found guilty of it, and 6. An indemnity of 50,000,000 Italian lire to be paid in five days. The other four demands were such as Greece could accept with honor, but the three just mentioned implied that she was in a measure responsible for the crime. In her reply of July 30, she offered to salute the Italian flag, to attend a memorial service for

[1] *Minutes of the Council*, 26th Session, deal with this matter on pp. 1274, 1276, 1283, 1286, 1287, 1294, 1304, 1305, and 1313. See also *League of Nations Political Activities*, published by the Information Secretariat. pp. 93–111, and Fanshaw, *Reconstruction*, pp. 267–275.

the slain persons, to show honor to their remains, as they were embarked for transit to Italy, and to make fair compensation to the families of the deceased. She said, also, that she would gladly have the aid of the Italian military attaché at the trial of the persons charged with the crime.

Italy's answer was to send a fleet to Corfu, an island she had long desired for strategic purposes. Holding that her ultimatum had not been met she opened fire on the fortress, August 31, her demand for surrender having been refused. In the fortress were a number of Greek and Armenian refugees, and the Greek commander had not warned them to leave nor revealed their presence to the Italian officer who demanded the surrender. In the short bombardment before the surrender of the position a shell burst among these unhappy people, killed 16 and wounded 35 others.

2. *Before Council and Conference*

This affair occurred Friday, August 31. Next day [1] Greece brought the whole situation before the Council of the League in Geneva, at the same time appealing to the Conference of Ambassadors. To the Council she said, citing Articles 12 and 15 of the Covenant, that Italy's action was unjustifiable, since no proof existed that Greece was responsible for the murders. Her representative declared most solemnly that Greece was ready to "accept and execute in good faith any proposals made to her by the Council of the League in order to

[1] The note submitting the affair to the League was prepared in the night of August 31, dated September 1, and placed in the hands of Secretary-General Drummond on September 1.

give Italy full satisfaction." Article 12 pledged the members of the League to submit their disputes to the League for settlement and not to go to war until at least three months after the decision. Article 15 provided that any party to such a dispute could bring the case before the Council and have a full investigation of it with provision for full publicity. In such a case the Council can carry through its procedure whether one or all the parties to the dispute submit to the investigation or not.

M. Salandra, representing Italy in the Council, was a sincere friend of the League, but he had the task of defending Mussolini, to whose impetuosity and bad view of international rights the unhappy situation was due. He had a weak case and he could do but little with it, except to stress the wicked nature of the murders and the righteous indignation of the Italian people. "No Italian government," he told the Council, "could have acted otherwise than the present government has done. When a people is subject to a blow like this, which has struck the public conscience of Italy, it must first of all take the steps which are necessary to safeguard its honor." He further observed that, by reports in the newspapers, the Conference of Ambassadors had taken up the matter, a thing it was competent to settle, since the murdered men were acting under its authority. He suggested that the discussion be suspended until it was known what was the intention of the Conference. There was other discussion with the result that the Council laid the matter over until the next day.

Meanwhile, M. Salandra had sent a confidential messenger to Rome to learn just what was Mussolini's atti-

tude. As he expected his messenger back during the night of the fifth the Council deferred the consideration until the sixth. In the long discussion that came up that day two main points appeared, one relating to the responsibility of Greece and the other relating to the jurisdiction of the League in the dispute.

The first point was not really important; since Greece, while denying responsibility for the crime, was willing to pay any penalty assessed against her. But M. Salandra did not drop that issue. He seems to have considered it a good "talking point" and kept it to the fore. He reminded the Council of the "flagrant violation of the laws of humanity and of the fundamental rules of international law for which Italy has the duty and the right to require just punishment, compensation and moral reparation." Greece, he charged, tried to turn attention from her crimes by representing the seizure of Corfu as a wrong. He resented the attempt to put Italy into the place of the accused party and said that the seizure of Corfu was only temporary.

Mussolini held at first that the question was entirely Italian, and in newspaper interviews he flouted the authority of the League; but the outburst of popular indignation in the world must have given him ground for reflection. September 1, in the early morning, Greece asked the League to take up the matter. Later in the day she got a demand from the Conference of Ambassadors to hold investigations, submit findings, and allow the Conference to impose the penalties. Such action was contrary to the idea that Italy was proceeding in her own sovereign rights and was not to be interfered with. Had she stood at that she might have maintained

her original position. But Salandra, in the Council, admitted at the very first that the Conference was competent to investigate and give judgment, and he continued to hold this position after receiving instructions from Rome. Mussolini, therefore, could no longer claim the right to settle the affair entirely in his own authority; for Salandra had surrendered that right in recognizing the authority of the Conference.

From the point of view of Council jurisdiction the position of Greece was awkward. On one day she appealed to the Council, citing Articles 12 and 15 of the Council. Next day, after getting demands from the Conference of Ambassadors, she put her case in its hands, asking it to appoint a committee of three representing France, Great Britain, and Italy, to settle the dispute and assess damages. Of the two now clashing jurisdictions she had accepted one on the first and the other on the second day of the crisis. In her embarrassment she could only suggest that she hoped the Conference Committee would proceed and that the Council would "appoint a certain number of neutral representatives to take part in that inquiry, which, for the honor of Greece and for international peace, must bring to light the truth, the whole truth, and nothing but the truth." This grandiose termination of the sentence does not conceal the feebleness of the Greek proposition. All the time the Greek representative at Geneva was blissfully arguing that the Council rather than the Conference should settle the dispute.

The Council listened patiently to the arguments of Salandra, but when he challenged the authority of the Council as against the Conference, Lord Robert Cecil

took up the glove. "I do not at present see," he said, "any ground whatever on which this Council, without entirely forfeiting its right to the confidence of the world and entirely waiving its position as created by the Covenant, can refuse to entertain the appeal brought to it by the Government of Greece. Therefore, as far as that question is concerned, I should myself be prepared here and now to answer the question put by the representative of Italy in the negative. I regard this as plainly a matter with which we have to deal here." M. Branting, of Sweden, supported Lord Robert and said the small states were keenly aroused and asked that a breach of the Covenant "should not be allowed to pass without protest and without energetic steps being taken."

3. *The League's Power to Cite Delinquents*

As the debate continued M. Salandra made some sharp comments on the powers of the League to cite cases before itself.

> "The creation of the League of Nations," he observed, "does not constitute a renunciation by States of all right to act for the defense and safety of their rights and their dignity. If this were so, no State would desire to belong to the League. The authority of the organs of public international law—the authority even of the League of Nations, which the Italian Government has no intention to ignore, must be maintained and respected; but the first condition is that the organ itself should recognize and observe the limits of its authority."

The speaker closed by saying his government was irrevocably opposed to action by the Council in the quarrel with Greece.

September 6, 1923, the Council met again. To it came a communication from the Conference of Ambassadors saying that body had taken up the Greek-Italian affair at the request of Greece and that a decision would perhaps be reached on the 7th. This note was signed by M. Poincaré, president of the Conference. It is hardly surprising that he who had quashed proceedings at Cannes and reduced the Conference of Genoa to a shadow of what it had promised to be should have shown no considerable solicitude to save the Council's prestige in the affair then under consideration.

In M. Poincaré's note was the phrase: "It is a principle of international law that States are responsible for outrages committed within their territory." The expression passed the members of the Council and was accepted as true in some resolutions got up among the members and offered in the meeting as a possible compromise. But the representative of France created a sensation by observing that his secretary called his attention to the fact that the so-called principle was not true. He explained the situation, not by supposing that M. Poincaré and his colleagues were in error, but by assuming that words had been omitted in transmitting the note. The resolutions in question could not be passed, however, not because of their theory of international law, but because M. Salandra opposed the most vital feature of them, the part in which it was proposed that the investigation held in Greece should be without the presence of an Italian. The upshot was that the resolutions to which M. Salandra opposed no veto were passed and these with the minutes of the discussion in Council were sent to the Conference of Ambassadors.

That done the Council could do nothing but wait for the action of the Ambassadors. It was a sorry position for the Council to be in—waiting the day for the solution of an affair that had been fairly taken out of its hands.

During this discussion much was said about the action of Mussolini's Italy. What that Italy was, is seen in a burst of eloquence from M. Salandra, alluding to M. Hymans' profession of love for Italy. Rising to a dignified period the Italian representative exclaimed:

"There are many who love Italy; indeed, Italy is universally beloved—the Italy of the sun and beautiful scenery, the Italy of the arts, the Italy of museums and churches, etc. But this is not the Italy which I am here to represent. I represent the new Italy—the Italy which shared in the victory and sacrificed the lives of six hundred thousand of her finest sons—the Italy that cares above all for her prestige and her national dignity. For this reason, and for this alone, must I uphold my view that, in a question of prestige and national dignity such as that now before us, Italy cannot leave the decision to the Council of the League of Nations, though, as I have already stated, I have the profoundest respect for the League's authority." [1]

4. *The Verdict of the Ambassadors*

The Conference of Ambassadors took in good part the Council's surrender of the case into their hands, and September 7 it acknowledged its obligations in these words; "It thanks the Council for having supplied it with valuable material which has assisted it in forming a judgment, and has the honor to communicate to the Council the following note, which it is sending to-day to

[1] *Minutes of the Council*, 26th Session, p. 1299.

the Greek Government." This note contained the terms of settlement as follows in substance:

1. Apologies will be presented by Greece to the representatives of the three States whose delegates served on the boundary Commission.

2. Funeral service for the victims will be celebrated in Athens and the Greek cabinet will attend.

3. Vessels of Italy, Great Britain, and France will arrive at Phalerum on the day of the funeral, the Italian ships leading; and the Greek fleet will salute each flag with 21 guns.

4. Military honors will be rendered by a Greek unit when the bodies of the victims are embarked for Italy.

5. Greece will undertake to discover and punish the murderers in an exemplary manner as soon as possible.

6. A special Commission of delegates of France, Great Britain, Italy and Japan will supervise the preliminary investigation undertaken by Greece and complete its work by September 27. A Committee appointed by the Conference of Ambassadors will have power to see that the regulations here enumerated are carried out.

7. Greece will pay such indemnity as the Permanent Court of International Justice shall assess on the basis of the findings of the investigations. To insure the payment of this sum Greece will deposit 50,000,000 Italian lire as a guarantee.

In this paper, sent to Greece, no assurance was given her of Italy's withdrawal from Corfu; but it was known that she had said she would leave not later than September 27, just a month after the murder of the Commissioners. September 10 the Greek representative informed the Council that his government had accepted these demands. It was understood that Italy, who had refused to accept similar demands before the Council, was now satisfied with them.

It was September 17 when the Council received notice of the final adoption of the terms of the Conference. The members of it drew a sigh of relief. M.

Branting thought that all the members but Salandra supported the view that the Council was competent to deal with the situation. They evidently felt that to pass resolutions to that effect, for the principle involved, would drive Italy further afield, and make it harder to preserve harmony, a thing necessary in a body that operates by unanimous voting.

In fact, it was hard enough to bring Italy to reason. The prospect of an appeal to the Permanent Court did not please her; and to insure her withdrawal from Corfu the Conference of Ambassadors at the last moment dropped out that feature of the terms, putting in its place a provision that the Commission of Investigation which the Conference was about to send to the spot should make at least a preliminary report, and if the Conference considered its report sufficient it would at once assess damages out of the 50,000,000 Italian lire on deposit. The dénouement suggests with what purpose this clause was adopted.

This Commission made a preliminary report on September 22, but it was indefinite. The only conclusions in it were stated in the following words:

"The following conclusions may, however, be drawn from the evidence collected and the facts ascertained by the Commission: (1) The crime was planned and carried out with such care and precision that it can only be regarded either as a political crime or as the outcome of a personal vendetta against General Tellini, in which latter case the other victims were presumably murdered merely in order that no witnesses of the crime should survive. (2) *Conduct of the Inquiry.* In the inquiry instituted by the Greek authorities after the crime, there are certainly several instances of negligence to be noted, but the facts hitherto ascertained are not sufficiently complete and decisive to enable the Commissioners to express an opinion as to whether the Greek Government should be

held responsible for this negligence, or whether the negligence is the result of the defective organization of a Police Administration which has only rudimentary machinery at its disposal for criminal investigations. At present the Italian Commissioner—for reasons mainly of a psychological nature—inclines towards the first hypothesis, while the other three Commissioners incline towards the second."

This preliminary report was taken by the Conference as justifying the payment to Italy of the 50,000,000 lire on deposit in Switzerland; and September 26 it gave Italy notice to that effect. September 27 Corfu was evacuated and the Corfu incident came to an end.

The Commission of Investigation, however, went on with its work. September 30 it reported that the crime of Kakavia could not be cleared up in the short time allowed to the investigation. It said: "The Commission is not, therefore, in a position to give any final and definite decision as to where the responsibility really lies," but it recommended that the search for the truth be continued. The Italian member of the Commission, Colonel Beaud, while signing this report "in its broad outlines," reserved the right to report on circumstances "which already enable him to fix serious responsibility on Greece and to give indications which may lead to the discovery of the authors of the crime." [1] It was not until December 13 that M. Poincaré sent these two reports to the Council. Thin and inconclusive, they do not satisfy the historian. Public opinion, however, used to seeing blind Justice groping in the dark, accepted the award of the money to Italy as the Conference's only feasible way of getting Italy out of Corfu and thus restoring the old balance in the Mediterranean.

[1] *League of Nations, Documents*, 1923, C. 781, M. 320.

Some persons thought the Council had at least helped the Conference to arrive at its solution. It is true that the resolutions which the Council would have passed but for Salandra's opposition contained some points like those finally adopted by the Conference, but they were for the most part found also in the Italian demands of August 29 and were conceded at once by Greece. It was on the method of holding the investigation and the means of assessing damages that Greece and Italy were divided; and here Council and Conference did not agree. The former wished League members appointed to supervise the investigations in Greece, but the Conference would not have it. The deposit of the 50,000,000 lire was in the plans of the Council and Conference, but that item was suggested by Greece herself on September 4. The use of the Permanent Court to assess the damages was a Council suggestion, but, as we have seen, the Conference after accepting it on September 7 rejected it in its final decision. In this decision the investigation was made by a Commission made up of a representative from each state that might sit in the Conference of Ambassadors, that is, Japan, Great Britain, France and Italy. No Greek was on the Commission, a thing entirely contrary to every plan suggested by the Council.[1]

It is certain that Mussolini's course cost him heavily in the goodwill of other nations. For his work in restoring order in Italy the world had formed a high opinion. But Corfu, coming close on the heels of Fiume, created

[1] The resolutions the Council would have passed are in *Minutes of the Council*, 26th Session, p. 1295; the Conference resolutions of September 13 are *ibid.* p. 1305; and the conference resolutions of September 7 are in *League of Nations, Political Activities*, published by the Information Secretariat, p. 102.

a suspicion of strong-armed diplomacy. The League, whose prestige suffered in the conflict, nevertheless made a strong fight against him. While its inability to bring him to reason gave its enemies the opportunity to scoff, its sincere struggle to have the matter settled in a reasonable way commanded the respect of reasonable people. It is no doubt true that it also served as a rallying point of public opinion, and in that way served to influence the action of the Conference and of Mussolini himself.

In defending the attitude of his government M. Salandra made the point that the right of seizure was fundamental in international law and that it was in no way modified by Article 15 or by anything else in the Covenant; and he said the League was created to support international law, not to overthrow it. M. Branting replied:

> "I maintain that there is a difference between what is permissible to States before the signature of the Covenant and what is permissible now that the majority of States have adhered to the Covenant. It seems to me that the public opinion of the world will have some difficulty in understanding how these reprisals, which have been called pacific reprisals, can be altogether innocent and can be in conformity with the spirit of the Covenant."

5. *An Attempt to Define the League's Powers*

While the Council wrestled with Mussolini, and did not prevail over him, the fourth Assembly of the League of Nations was in session in Geneva, September 3 to 29, 1923. It viewed the struggle with great interest and with much concern. Also there was fear lest the feeling of discouragement in the Assembly should break forth

in some outspoken way, so as to mar the progress the Council thought itself making toward an adjustment. To forestall such an occurrence, Viscount Ishii, President of the Council, made an appeal to the Assembly on September 12 urging that the matter should not be discussed there for the present. His request was effective, but a Dutch delegate said that he hoped that the Council would report fully on the matter before the end of the Assembly. It was not until September 21, some days after the final resolutions of the Conference of Ambassadors had been passed that Ishii undertook to make a report. He could announce little in favor of the decision; but he gave the Assembly some hope by saying that the Council was taking steps to get an authoritative interpretation of Articles 12 and 15 of the Covenant, whose significance Italy had so stoutly challenged. This interpretation would have no bearing on the recent controversy, but it might be useful in the future.

Such a question was indeed under discussion in the Council, Lord Robert Cecil and MM. Hymans and Branting pressing the matter. Their idea was to get the Permanent Court of International Justice to pass on the contentions of Salandra in the recent debates, and especially on the points, denied by the Italian, that the adoption of the Covenant had modified the right of a member of the League to occupy territory in order to bring an adversary to terms. Salandra opposed the move, saying with evident justification that it was tantamount to asking the Court to say whether or not Italy had been justified in occupying Corfu. The advocates of the motion yielded to his objection and made their

resolutions so general in their nature that they did not have any retroactive significance.

Salandra also objected to having the Permanent Court for referee, and M. Hanotaux supported him, reading a sentence from his instructions from Paris to the effect that the Permanent Court could not "give an opinion on questions expressed in the abstract." The alternative was to refer the matter to a committee of jurists, selected *ad hoc*, men whose views were likely to coincide with those of the powers that appointed the jurists. In a four days debate Salandra stuck to his point and had his way. September 28 the Council passed a resolution submitting five questions of the general nature here indicated to a committee composed of one jurist selected by each nation represented on the Council, urging it to report as early as possible.[1] On the same day the matter was reported to the Assembly as a matter of information, and it received in that body some parting shots from Lord Robert Cecil and others.

This Committee reached a decision in January, 1924, and its report was considered and adopted by the Council March 13 following, the Italian representative endorsing the report, as he might well do, since it was prepared with the realization that he could block it if he was not satisfied with it. He remarked that Italy accepted the report without reservation which, he thought, showed her loyalty to "the essential principles of the Covenant" as well as her desire that the League should "develop still further to beneficent activities."

[1] For this debate see *Minutes of the Council*, 26th Session, pp. 1320, 1328, 1338, 1346, and 1349; and *Minutes of the Assembly*, 1923, *Plenary*, pp. 34, 58, 59, and 137.

He added: "It is not necessary for me to explain to the Council the important political reasons which justify the proposal not to admit any modification of the texts framed by the Commission of jurists."

The language of the report is not very clear and it is diffuse. For these reasons I have endeavored to express its meaning in the following brief paragraphs, each an answer to one of the five related questions submitted by the Council:

1. When the Council is asked by a League member to investigate under Article 15 of the Covenant a question as "likely to lead to a rupture" it is not bound to hold an investigation but may estimate the gravity of the dispute" and act accordingly.

2. If a dispute, submitted to the Council by a League member under Article 15, paragraph 1, of the Covenant, is already "the subject of arbitration or judicial proceedings, the Council must refuse to consider the application." In such a case it is proper "in conformity with the general principles of law" that the reference of the matter to the other jurisdiction should be asked for by the party objecting to a Council hearing and that the Council should give orders accordingly.

3. Matters solely within domestic jurisdiction (Article 15, paragraph 8 of the Covenant) constitute the only matters which the Council may not inquire into in a case submitted by a League member under Article 15, paragraph 1. The reservations "inserted in most arbitration treaties cannot be pleaded as a bar to the proceedings," but the Council will take into consideration such engagements as arbitration treaties and regional understandings.

4. Coercive measures not intended for acts of war may or may not be consistent with Articles 12 and 15 of the Covenant and the Council should pass on them promptly and recommend their maintenance or their withdrawal.

5. The responsibility of a state for a political crime committed within its bounds against foreigners only accrues "if the State has neglected to take all reasonable measures for the prevention of the crime and the pursuit, arrest and bringing to justice of the

criminal." The state should exercise "special vigilance" in protecting a foreigner of "recognized public character" within its bounds.[1]

As Salandra had said, these resolutions were to be accepted or rejected *en bloc*. That was a part of the compromise. The President, however, allowed each member when voting for it to make any declarations he wished. France, Great Britain (Lord Parmoor), Brazil, Belgium (Mélot) and Japan took the resolutions without protest. But MM. Benes, for Czechoslovakia, and Branting, for Sweden, made qualifying declarations while accepting the resolutions as the best compromise.

The Corfu incident aroused great interest in Great Britain and other countries in Northern Europe. It was known that the British government supported Lord Robert Cecil's course in the Council, and great disappointment was shown when the British member of the Conference of Ambassadors joined in the verdict giving damages to Italy. No minutes of that Conference have been made public and a brief summary by Lord Curzon before the British Imperial Conference, October 13, 1923, was not reported. The verdict of history, on the accessible evidence, is that Britain assumed the odium of sanctioning a shameful thing rather than break up the co-operation of the formerly Allied Powers. There is no doubt that she did not relish the action.

6. *The Græco-Bulgarian Dispute*

As an interesting postscript to this narrative I wish to describe an incident in the special session of the Coun-

[1] *Minutes of the Council*, 28th Session, 1924, pp. 523–527

cil held in Paris in October, 1925, to deal with the Græco-Bulgarian dispute. The facts are simple.

October 19, about 2 P.M., a Greek soldier on duty at Demirkapu crossed into Bulgarian territory and was killed by a Bulgarian soldier, falling after he had fired a shot. Companions came up from each side and the firing became general; so that during most of the afternoon there was fighting, in which the Bulgarians crossed the boundary line and pressed back the Greek defenders some hundreds of yards. A Greek Captain with a white flag who tried to restore order was killed, whether deliberately or accidentally is not known. The next day about 200 Greeks were on the spot with about 150 Bulgarians facing them. Firing was kept up intermittently but with slight results, three Greeks being killed and one mortally wounded, while the Bulgarian loss was even smaller. Officers rushed to the spot trying to restore order; but the privates were highly excited and no progress was made for more than two days. Similar affrays had previously occurred on the frontier but rarely so long continued. By August 22d things were settling down on the border.

In Athens, however, the people were greatly agitated. Acting on hysterical reports which it did not verify the government sent troops to the frontier, which they crossed on the 22d, flanking the positions a third of a mile within the Greek border where the Bulgarians still held position. They penetrated five miles into Bulgaria, bending back the frontier in a sector 25 miles long and threatening the considerable town of Petritch. Bulgaria put herself strictly on the defensive,

falling back as the Greeks advanced. October 22 she presented the case to the League of Nations, and by moving with great celerity Sir Eric Drummond got the Council together in an extraordinary session in Paris, October 26–30, 1925. Bulgaria had offered to set up a Court of Inquiry and pay damages assessed against her, but Greece demanded an indemnity on the spot.

At this meeting M. Briand represented France and presided over the session. The *Rapporteur* for the dispute, Mr. Austen Chamberlain, representing Great Britain, handled the matter in a clear-headed and business-like manner. The parties to the dispute were reminded that the Council was proceeding under Article 12 of the Covenant, and they were asked if they recognized its validity. Then each side was asked to state its case. Bulgaria's story was one of non-aggression, mostly of non-resistance.

Greece as the more active aggressor was under necessity of defending her course. Apparently for all her pleas in the Corfu matter she now took up a defence much like that of Italy in that affair. She did not use Mussolini's curt methods but her arguments in the Council were like Salandra's on Corfu. She justified her seizure of Bulgarian territory as temporary and as a pledge for forcing Bulgaria to do her justice for the killing of her sentinel, and, still following Salandra, she argued that her conduct was not an act "likely to lead to a rupture" within the meaning of the Covenant. She concluded that she was warranted in using her method of claiming compensation.

On this speech M. Briand made the following comments, as the minutes show:

"He had understood the representative of Greece to indicate that all these incidents would not have arisen if his country had not been called upon to take rapid steps for its legitimate defense and protection. It was essential that such ideas should not take root in the minds of nations which are Members of the League and become a kind of jurisprudence, for it would be extremely dangerous. Under the pretext of legitimate defense, disputes might arise which, though limited in extent, were extremely unfortunate, owing to the damage they entailed. These disputes, once they had broken out, might assume such proportions that the Government, which started them under a feeling of legitimate defense, would be no longer able to control them. The League of Nations, through its Council, and through all the methods of conciliation which were at its disposal, offered the nations a means of avoiding such deplorable events. The nations had only to appeal to the Council." [1]

Then Mr. Austen Chamberlain said the declaration of M. Briand about the resort to the Council in cases like the one now under consideration was so important for the future that he would like on behalf of the British Empire, to express his complete concurrence with M. Briand's utterance. The other members of the Council followed suit—one after the other to the bottom of the list. When it came to Italy M. Scialoja "associated himself entirely with the declarations of his colleagues. He was happy to note that the League of Nations was working perfectly in conformity with the intention of its founders. He remarked this with all the more satisfaction as he had himself been one of the founders of the League as a member of the Commission which had drafted the Covenant." Thus it was that Italy seemed to soften somewhat the harsh defiance that the impetuous Mussolini, still new in the office of dictator, had flung out at the League two years earlier.

[1] *Minutes of the Council*, 36th (Extraordinary) Session, pp. 1706, 1709.

The judgment of the Council, on receiving the report of its commission dated December 3, 1925, was that Greece should pay 30,000,000 lira ($225,000) to Bulgaria as compensation for damages. December 15 Greece accepted this verdict. She asked that the sum be deducted from the amount due her by Bulgaria on the reparations account, but the request was refused by the Council.

CHAPTER XI

THE GENEVA PROTOCOL

1. *Disarmament*

FROM the end of the Corfu dispute, September, 1923, until the Mosul dispute entered its more serious phase, September, 1924, no striking political event occupied the attention of the League. But within that period came the culmination of a series of important efforts to bring the nations into an agreement for the reduction of armaments and for a surer plan for avoiding war than was stated in the Covenant. The culmination of these efforts was the Geneva Protocol for the Pacific Settlement of International Disputes, which, despite its final failure, had a strong influence in shaping one of the main phases of the League's life. It brought to a head a rather confused group of ideas and in this way it was, in fact, an essential prelude to Locarno.

Disarmament, or, more correctly speaking, the reduction of armaments, is provided for in the Covenant, Article 8, which says that the Council, "taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several Governments,"

and that was as far as it could go in limiting armaments. If the states refused, the League could not coerce them; and it was equally certain that the situation would be no better if some states did and others did not agree to reduce armaments; because such a process if carried out, would put the states that complied at a disadvantage with states that did not comply. In carrying out reduction, therefore, it became necessary to proceed on a basis of common action by all the states. This necessity was even more apparent when one considered restrictions on the manufacture and sale of arms. It is evident that it is futile for some nations to prohibit the exportation of arms if exportation is permitted by other nations.

To advise with the Council on matters of this kind the Covenant provided for a permanent Commission and in complying with this provision the Council created, soon after the League began its career, the Permanent Advisory Committee on Military Affairs, appointing to it military, naval, and aerial experts from the states members of the League. It was evident at once that experts in these fields were not likely to be keenly interested in reducing armaments and the First Assembly created the Temporary Mixed Commission, appointing to it some military experts and some others who were known to have an objective interest in disarmament as such. On this Commission, also, were men who could furnish information about the economic problems that are closely connected with the subject under consideration. The Commission was to report a plan of disarmament.

Disarmament is a doctrine popular with weak states;

for they see in it a reduction of the striking force of their big neighbors. *Per contra* it is not popular with the big states who wish to maintain all the advantages that their strength gives them. Since the small states have their weight of influence most decidedly in the Assembly, it was here that disarmament had its strongest friends; and by the same reasoning the Council was less likely to support it earnestly. Hence it was in the Assembly rather than in the Council that we find the most constant efforts to adopt measures leading to disarmament, even until the Geneva Protocol, which, up to the spring of 1927, was the culmination of the Assembly's efforts in this field.

It must be remembered that the Entente states of 1919–1924 were in constant dread of a counterstroke from Germany. No one knew when the military class might regain control of that country and come smashing back across the Rhine. This class made no secret of their desires for a war of revenge: the hope that they would not make the attempt lay in the attitude of the German middle and lower classes. France was essentially concerned on this point, and to all who talked to her about disarmament gave the invariable reply that it must be accompanied by guarantees of safety against Germany.

It is on this ground that the Tripartite Pact of 1919 was drawn up by Clemenceau, Lloyd George, and Wilson at Paris pledging each of their respective nations to go to the aid of France if she was attacked by Germany. The failure of the United States to accept it was the end of the Pact, but Great Britain, who had accepted it, has never denied that she is morally bound to support

France in a defensive war against Germany. The principles of the Tripartite Pact were recognized by Lloyd George and Briand in the negotiations leading up to the ill-starred Conference at Cannes in January, 1922. We shall see that they were an essential part of the Treaty at Locarno.

2. *The Draft Treaty of Mutual Guarantee of* 1922

The Temporary Mixed Commission got to work in March, 1921. It soon realized that many difficulties were before it. In the first place two great nations, the United States and Russia, were outside the League and it was not likely that they would accept a disarmament agreement made by the League. It was, however, unfair to ask the members of the League to reduce their armaments and to limit their trade in arms when some other nations had no such restrictions; and, moreover, it was not likely that the League would consent to do such a thing. The result, therefore of the first deliberations of the Commission was a twofold conclusion: (1) no disarmament was possible until all the important states could be induced to adopt it; and (2) it was inadvisable for the League at that time to adopt any project of disarmament as such.

The Temporary Mixed Commission continued its deliberation in 1922, trying now to outline a plan by which the states in the League should gradually curtail armaments and at the same time stand pledged to help one another if attacked by some powerful adversary. It made a report embodying this idea to the Third Assembly, upon which there occurred a long and earnest de-

bate. In speech after speech it was asserted that the fundamental cause of big armies and navies was fear; and that the thing to do was to destroy this fear by building up mutual trust among nations and a sense of mutual security. Such a feeling, it was argued, could be obtained by trustworthy treaties pledging aid in times of danger. If the states trusted one another for such aid they could reduce their fighting strength to the point necessary to furnish the quotas they would have to contribute to the common effort under the proposed scheme. This idea was accepted in principle by the Assembly and resolutions were passed asking the Council to put them into the form of a draft treaty and submit them to the several member states for comment.

The Council complied with the request and what was known as the Draft Treaty of Mutual Guarantee was prepared under its supervision. It was sent to the members of the League and elicited from them a generous amount of discussion, the general nature of which was favorable. This step was well taken; for it made available a mass of information as to what could be done and what could not be done on the subject under consideration.

3. *The Draft Treaty of Mutual Assistance of* 1923

Using these and its own ideas the Mixed Temporary Commission now worked out a more complete project which was known as the Draft Treaty of Mutual Assistance. Although it was a committee product, it was chiefly the work of Lord Robert Cecil of Great Britain, and Colonel Requin, of France, both of whom had given

much time to the subject during the past two years. It was debated at length in the Fourth Assembly, 1923, when it was adopted, after some changes had been made, and sent to the states for comment. The Assembly realized the serious nature of the project and did not throw the treaty into its final form until it had taken such a shape as would render it most likely to have the approval of the members of the League.

The main features of the Draft Treaty of Mutual Assistance were: (1) It pledged the signatory states to go to the assistance of any one of them who found itself attacked in an aggressive war. A state beginning such a war was declared an outlaw and, like any other outlaw, could be dealt with by law-abiding states. (2) This treaty was to become effective when it had been ratified by four of the following European nations: Great Britain, France, Germany, Italy, and Russia; by two in Asia, one of which must be Japan; and by two in America, one of which must be the United States; and (3) when the treaty had been thus ratified a Conference should be held to prepare and adopt plans for the reduction of armaments.

In the instrument were many details for its operation, one of which allowed states to make regional alliances, provided that these alliances were formed and executed under the control of the Council. This feature was objected to by many persons in authority and Mr. Ramsay MacDonald, then the British Prime Minister, made it the basis of his veto of the instrument as it stood, July 5, 1924. He held that any such guarantee to be effective should be supported by all the states. He did not reject the ideas in the document *in toto* but let it be

known that further work should be done on them.

Nevertheless the Draft Treaty of Mutual Assistance served a good purpose. It was an important step in the clarification of ideas and gave institutional form to a concept previously held in a loose way by many persons; and in this concrete form it was possible to debate it in the Fifth Assembly. Two important steps followed it, the Geneva Protocol and the Locarno Treaty and Conventions. They could hardly have existed if the first step had not been taken.

The progress of the idea was greatly facilitated by the shift in political control in Great Britain and in France, which came in the first half of 1924. The Labor party with the help of the Liberals, took control of Parliament in January of that year, with Mr. Ramsay MacDonald as Prime Minister; and a Liberal combination, with M. Herriot, a Socialist, at the head, succeeded to power in France in May of the same year. The foreign policies of each of these countries became very liberal for the time being, and the new spirit was reflected in an accurate way in Geneva. These two men brought their respective countries to support the idea of the Dawes Commission, and with reparations out of the way, at least for a time, there was a better prospect of arriving at some form of international agreement as to war, the quieting of international fear, and, in consequence, the acceptance of a programme for the reduction of armaments.

4. *The Attack on Article* 10

While this discussion was in progress around the idea of disarmament a related movement was proceeding

around Article 10 of the Covenant, the clause which was supposed to have been chiefly responsible for keeping the United States from joining the League. On this account some persons wished to delete or radically alter it. It was, however, a pledge of security of one state to another and on that account was much like the main idea in the Draft Treaty of Mutual Guarantee.

In the First Assembly Mr. Doherty, of Canada, called for its repeal. The matter went over to the Second Assembly which postponed its consideration for another year. Committee No. 1 reporting on it at this time said: "Many States see in the guarantee which it implies the best safeguard of their integrity and their independence and the counterpart of the plan for the reduction of armaments." It also said that the demand for repeal arose from an exaggerated idea of its scope, and it pointed out that the Council, which had the function of making recommendations in executing the article would undoubtedly take "political and geographical circumstances" into consideration.

Mr. Doherty was not present in the Third Assembly, but the fight was renewed, the proposition now being to give Article 10 such an interpretation that its true nature could be understood. In the debate which occurred in the Assembly the representative of France revealed that his government was opposed to repeal. He said: "According to the French view, Article 10 is the pediment of the great temple of our international organization; it is our standard, our crest, the declaration of the new international law."

He added: "If the Treaty of Guarantee is not pres-

ent in the letter of Article 10, it is present in the spirit; it is not there actually but potentially."

The Canadian proposal now before the Committee implied that the advice of the Council in carrying out Article 10 should be given full respect by the individual states but that no government should have to go to war unless its parliament assented. Under the guise of interpreting the article such a construction was a serious modification of a guarantee of state integrity.

The French representative pointed to a strong fact behind the agitation when he said that no doubt it was inspired by a desire to throw Article 10 into such a form that the United States would be willing to come into the League.

"I do not think," he said "that the United States would join us because we deleted Article 10; but if the great Republic with the star-spangled banner were to join us some day, what a welcome we should give it, and at the banquet which would follow the killing of the fatted calf in honor of the return of this son, of this long-awaited member of the family of nations, we should work miracles to make his position all he could desire. We feel that the United States would bring us such strength that we could well consent to some sacrifice; but that if Article 10 is to be modified, it must be modified when the United States joins us and in agreement with the United States." [1]

Perhaps the applause with which this last sentence was greeted shows correctly the attitude of the League in 1922 towards the United States: there was a genuine desire to have that nation in, but there was no willingness, as some Americans thought, to strike out Article 10 on the chance that the United States would join the

[1] *Records of the Third Assembly, Plenary* I., pp. 212–215.

League after the change was made. The result of the debate was the postponement of the matter another year.

When the matter came up in the Fourth Assembly the Draft Treaty of Mutual Assistance was the chief topic of interest, by which, as a Belgian representative said, "Members are asked to renounce part of their sovereign rights in favor of the Council." It was a live question and the proposed modification of Article 10 would, if adopted, make it so that a state could determine whether its obligations should be accepted when a crisis arose. To leave it in the Covenant thus emasculated was perhaps a little worse than to omit it altogether; for it was to create doubt and confusion.

In the spirited debate that followed, the proposals to modify had most of the advocates. France, who had stood for Article 10 in 1922, now came out for its modification. The stage was set for victory, but one state, one of the smallest in the League, prevented its accomplishment. It was Persia who made the protest and saved Article 10. Surrounded by states not members of the League she looked to it as her guarantee of protection. She asked that the matter be postponed until it was evident what hope of guarantees lay in the Draft Treaty of Mutual Assistance, then under debate. No delay was granted and the resolution, was brought to a vote September 25. Persia, true to her word, voted "no" and by the rule of unanimity the resolutions failed. Thus Article 10 continued to stand in its place in the Covenant.[1] This happened in September 1, 1923, just

[1] *Records of the 4th Assembly, Plenary*, pp. 75–87. See also *Minutes of the First Committee*, pp. 14–18, 24–33, 43–53.

as the Draft Treaty of Mutual Assistance was being sent to the Members of the League, where it received much encouragement, but not quite enough. The future of that project was still a matter of growth.

5. *The Approach to the Protocol*

Meanwhile a self-constituted committee in the United States had undertaken to work out a plan for replacing the Draft Treaty of Mutual Assistance. The principle of regional guarantees in that Draft Treaty had the distinctive feature of allowing the United States to come in without being committed to what were known in that country as "entangling agreements." Since that project was dead, some other way must be found without leaving the Council of the League to determine when a state was defiant and was to be brought to reason. In all the plans it had been proposed to outlaw the nation that enters on an aggressive war, but how to determine what was an aggressive war without leaving it to the Council was a question that puzzled everybody. This American Committee found an easy and very simple answer. A nation about to go to war was required to submit to arbitration. If it yielded the matter was settled. If one of the nations refused arbitration it was to be considered aggressive. The refusal to resort to arbitration was aggression and the nation committing it was to be dealt with as the aggressor. This committee had for chairman Professor James T. Shotwell, of Columbia University, and it was known as the Shotwell Committee. For the definition of aggression Professor Shotwell and Mr. David Hunter Miller were responsi-

ble. It became an important part of the Geneva Protocol.

The Fifth Assembly, 1924, was a most lively meeting. The old air of discouragement which had pervaded every Assembly since the First was not altogether gone, but it was largely absorbed in the feeling that something really constructive was about to be done. Mr. Ramsay MacDonald, British Prime Minister, and M. Edouard Herriot, Premier of France, fresh from London where the Dawes Plan had been signed on August 30, two days before the Assembly met, arrived on the scene in the best of spirits and set to work to make it a success. They came with the avowed purpose of adopting something that would achieve all the Draft Treaty of Mutual Assistance would have accomplished and achieve it in a better way. In that brilliant Assembly were four Prime Minister, four Ministers of Foreign Affairs, two other Cabinet members of high rank, two former Prime Ministers and two former Ministers of Foreign Affairs, besides a number of eminent leaders in the small states. Since the Peace Conference of 1919 no more brilliant body had assembled.

To most of the men taking part in this debate the suggestions of the Shotwell Committee were especially agreeable because (1) They fitted so snugly into the requirement of the moment. Arbitration had been suggested in the debates of 1923 but the Shotwell Committee had given it a clear statement and pointed out its relation to the problem under consideration. (2) From various states had come replies showing deep rooted opposition to the policy of giving the Council power to declare a state in aggression, and (3) The sug-

gestion came from the United States and it was hoped that its acceptance might have some influence on the attitude of the United States toward the League.

The result of the debate in the Assembly of 1924 was the passage of resolutions, September 6, 1924, endorsing the ideas here mentioned and authorizing Committees Nos. 1 and 3 of the Assembly to embody them in the necessary form. Committee No. 1, whose special duty, was constitutional matters, was directed "to consider, in view of possible amendments, the articles in the Covenant relating to the settlement of disputes." The unanimous passage of these resolutions was hailed as a most important step. It was believed that the formal treaty about to be drawn up would make sure of that moral disarmament which all felt was necessary before actual disarmament could be had. In fact, so great was the conviction that the Protocol would open the way to disarmament that the Third Committee was directed to consider and report plans for an International Conference on Disarmament.

The First and Third Committees placed the business in the hands of sub-committees. One of them, M. Benes chairman, took over the work of preparing the text of the Protocol in accordance with the resolutions adopted by the Assembly. The other took up the work of preparing an arbitration scheme so full and complete that it would apply to any conceivable dispute. Sir Cecil Hurst was its chairman. Benes's sub-committee attracted much notice, for its real object was to give the League a slightly different twist from its early conditions. It was to state in legal form the guarantees, or sanctions, needed to give the nations a sense of safety,

and it was to make plans for calling an International Disarmament Conference. But it was the preparation of the document known as the "Geneva Protocol" that most obtained the attention of the world. The word "Protocol" has several meanings, one of them being something added to another document, a supplement. It was in this sense that it was used here. The "Geneva Protocol" was looked upon as a supplement to the Covenant, explaining the Covenant's meaning and adapting it to the practical needs of the time. This word, that sounds so technical, need not disguise from us the fact that the "Protocol" was, in truth, a revision of the Covenant of the League of Nations.

6. *The Protocol and the Covenant*

Like the Covenant it had a highly conceived preamble, with twenty-one articles in the main body, only five less than the number in the Covenant. The idea centres around non-justiceable disputes, in the past the most prolific breeders of wars. The Protocol did not take such disputes absolutely out of the hands of the Council, but it reduced the Council's power over them to the execution of decisions arrived at in other ways. Let us compare the methods of settling disputes embodied in these two instruments.

The Covenant provides for three ways of disposing of a dispute that may lead to war. As soon as the dispute comes before the League it goes to the Council, which, says Article 10, "shall advise upon the means by which this obligation shall be fulfilled." It is further agreed, Article 12, as amended in 1924, that such a dispute

may be settled by arbitration, judicial decision, or by inquiry by the Council.[1] Thus we see that under the Covenant a state, if it wished, can by agreement resort to arbitration or to a competent Court. Article 13, however, goes further in behalf of the first and second methods of adjustment; for it pledges every state to employ one or the other method in settling disputes. But as if fearing that the states will not keep these pledges the Covenant proceeds, Article 15, to say that if a dispute arises which the states concerned will not arbitrate nor submit to a Court, such a dispute shall be submitted to the Council, by both or by one of the said states. The Article then provides the method by which the Council shall proceed. Now the substance of this plan is that a state may have its dispute adjusted in one of three ways but that the emphasis is thrown on submission to the Council.

Under the Protocol the emphasis was shifted toward arbitration [2] so far as actual decisions of disputes went, although the Council retained administrative control of the process. By a series of solemn pledges the states were committed to this form of adjustment. They were to recognize paragraph 2, Article 36, of the Statute of the Permanent Court, establishing the jurisdiction of that tribunal, they were to recognize the principle that aggressive war was no longer a recognized method of settling disputes, that is, it was outlawed, and they were to agree that a state was an aggressor

[1] The amendment passed the Assembly in 1922 and was completely ratified September 26, 1924. The Assembly began to debate the Protocol October 1, 1924.

[2] For the text of the Protocol, see *Minutes of the Fifth Assembly, Plenary*, pp. 498–502. It is found also in Miller, D. H., *The Geneva Protocol*, pp. 132–155. Williams, Roth, *The League, The Protocol, and the Empire*, pp. 151–164, and Baker, P. J. N., *The Geneva Protocol*, 215–224.

when it refused to submit its case to arbitration. Such were the principles now brought into operation. They amounted to compulsory arbitration, and by the new definition of aggression they relieved the Council of the duty, unpleasant to many states, of saying when a state was the aggressor.

The procedure under these principles, was as follows: If the Council on receiving a dispute could not induce the parties to agree, a committee of competent and impartial arbitrators was to be created, the members selected with the approval of the parties, if possible, or by the Council if necessary, and to it the dispute should go. On points of law the Committee of Arbitrators was to take the advisory opinion of the Permanent Court. If neither party asked for arbitration the Council was to take up the dispute and if its decision was unanimous the member states agreed to stand by it. If not unanimous the Council should arrange for settlement by arbitration over the heads of the parties to the dispute. Thus we see that of these three alternative means of adjustment, one was in the hands of a Council acting unanimously; but that the main idea was arbitration. We also observe that the Council, while having much less control of the process of adjustment than it may exercise under the Covenant, still has much to do in administering the new plan.

As to the penalty imposed on a guilty state, it was to be punishment by means of the economic weapon enforced by the military, naval, and air forces of the member states under the direction of the Council. To enable it to be used effectively the Council was to prepare plans against the time they were needed; and the Coun-

cil alone should have the right to say when the restrictions imposed should cease to operate. The expenses of bringing these measures into operation should be assessed at the end against the aggressor state but not beyond "the extreme limit of its capacity"; and in laying such penalties Article 10 of the Covenant must not be violated.

The Draft Treaty of Mutual Assistance recognized the principle of regional agreements, by which groups of nations would agree to support one another within the limits of League activity. By this means a nation would not be drawn into the quarrels of remote nations without its own consent. Ramsay MacDonald's veto of this project rested on the ground that regional agreements were futile and that a regional dispute once begun would be extended until it became general. By the Protocol regional agreements were allowed, but they were so limited that they had little value.[1] The states were to sign or not sign the Protocol, and when it became operative through acceptance by a certain number it became operative by all the signers. To all this group, therefore, it was a general guarantee. In this sense is to be explained Mr. David Hunter Miller's terse comment that the Protocol "creates a complete system of compulsory arbitration, it consecrates the legality of the *status quo,* and it is a general defensive alliance." [2]

In adopting the Protocol the Assembly had more than one object in view. A main purpose was to couple it with an efficient plan for the reduction of armaments. To this end it was provided that when the Protocol

[1] See Article 13 of the Protocol. Also Miller, D. H. *The Geneva Protocol,* p. 82.

[2] *Ibid,* p. 107.

should have been signed and ratified by half the permanent states represented in the Council and by ten other states an International Conference for the Reduction of Armaments should be called. Assuming that ratification would be complete by May 1, 1925, the Conference was to meet at Geneva on June 15 following. If not then ratified the Conference was to meet when called by the Council. As soon as the plan adopted by the Conference went into operation the Protocol was to become effective.

In summing up the general nature of this document, Mr. Miller said:

> "What the Protocol of Geneva does is to create a new and a different League of Nations. It is true that what I may call the procedural and structural functions of the League are not changed; but the system of international relations which is now set up under the League is so much changed that one may properly say that it is an entirely new and different system." [1]

That is to say, we have the same Council, the same Assembly, and the same Secretariat, with essentially the same rights and functions; but when it comes to the duties, limitations, and actions of nations toward one another in the League we are operating in a new system.

From the beginnings of League discussions the opponents of war have divided themselves into two groups, those who look to judicial decisions supported by public opinion, and those who favor enough concentration of power in some central League administration to wield the influence the League has through public opinion. It was after the second plan that the Covenant was

[1] Miller, D. H., *The Geneva Protocol*, p. 107.

shaped with Council, Assembly, and Court. In the United States the first idea had much vogue and in 1915 its supporters organized themselves into The League to Enforce Peace, of which Mr. Elihu Root was probably the ablest leader. In 1920 Mr. Harding, a candidate for the Presidency, came out for a League conforming loosely to the first type. The men who wrote the Geneva Protocol were perhaps not unmindful of this fact and thought that by adopting the principle of compulsory arbitration they would bring the League into a form more acceptable to the men in power in the United States.

The Protocol, however, did not conform closely to the type expressed in the League to Enforce Peace. It left the Assembly and the Council in existence, but by adopting compulsory arbitration it sliced off a large part of the work the Council was called on to do, and it diminished the likelihood that the Assembly would be called upon in a crisis likely to produce war. There is reason to think that the Assembly in passing the Protocol relished the fact that it would reduce the political activity of the Council: perhaps it did not stop to reflect that a League looking to arbitration or the Permanent Court to restrain war would have little use for its Assembly in political crises, leaving to it, in the main, the duty of dealing with its non-political activities. It would also have reduced the power of the Council, though leaving it enough to do in supervising the details of arbitration to keep it from becoming rusty. There is, also, reason to believe that the Council was fully aware of this danger to its integrity.

7. *Failure of the Geneva Protocol*

The Fifth Assembly adjourned October 2, 1924, and its members went home to get the Protocol ratified by their respective Governments. The small states accepted gladly. A pledge of universal guarantee was a boon they were not likely to reject. What they got by it was worth far more than what they would give. France was satisfied. She had formerly fought for the inclusion of Article 10 in the Covenant, because it contained a guarantee of integrity: she had leant on the Tripartite Pact of 1919, in which two great nations pledged themselves to defend her against German vengeance. She took the Geneva Protocol readily; for was not a universal guarantee even better than a Tripartite guarantee? It was in Great Britain that trouble brewed.

Mr. Ramsay MacDonald did not stay in Geneva until the end of the Assembly. After that memorable scene of September 6, when he and M. Herriot had raised a frenzy of applause by their open demonstration of reconciliation, he went back to London, where troubles beset his household. Under the attacks of his foes his parliamentary majority weakened and he appealed to the country in a general election held on October 26. Its adverse verdict turned out the Labor Party, reduced the Liberals in the Commons to a mere handful, and gave the Conservatives a firm grip on power. On November 7, 1924, came to the Foreign Office Mr. Austen Chamberlain, able, outspoken, and rather cynical about reforms of any kind. More than all else, he was very British. If an observer could have foreseen the turn affairs

were going to take he would perhaps have been interested to speculate on what Mr. Austen Chamberlain was going to do for the League and what the League was going to do for Mr. Chamberlain.

The policy of universal guarantees was not popular in Great Britain until Mr. MacDonald took it up under Herriot's influence. In the negotiations at Cannes Lloyd George had been willing to guarantee France in the West but not in Eastern Europe. To this principle the new Conservative Government adhered. This reason alone would have justified a British veto of the Geneva Protocol; but there were other considerations. The extended British rule and trade brought Great Britain into relations with many remote parts of the world and disputes were liable to arise unexpectedly. It was the British idea that such disputes should be settled without appealing to arbitration and with such display of force as seemed necessary for the occasion. The Government also felt that an attempt to use the "economic weapon," the chief reliance for enforcing the Protocol, could not be made while the United States were out of the League. Moreover, it is likely that a personal relish of the new Foreign Secretary for the power such a British official would have in the Council of the League made him unwilling to have the Council weakened just as he was entering it.

The new Foreign Secretary attended the League Council at Geneva in December, 1924, but he said to his colleagues that his Government desired more time to consider the attitude it should take on the Geneva Protocol and the announcement of the British policy was postponed. It came in the next meeting, March

12, 1925, in a well considered statement which Chamberlain read before the Council.

Great Britain, said this document, would not accept the Protocol and for the following reasons: She was opposed to binding herself to arbitration as the only means of settling her disputes; her Empire was too large to apply successfully the principles of the Protocol; under it she would be expected to do things in Eastern Europe which she could not do; the economic weapon could not be used successfully with the United States out of the League; the Protocol was no stronger than the Covenant, which would give protection if kept; it was not strong enough to warrant a state in reducing its armaments; and, finally, as between the existing Covenant and the Covenant amended by the Protocol the British Government preferred the first.[1]

Expressing his Government's willingness to indicate their ideas on what ought to be done Mr. Chamberlain avowed an approval of the "co-operation of the League, to supplement the Covenant by making special arrangements in order to meet special needs, that these should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance." To this renewed endorsement of regional agreements he added that telegrams and cablegrams gave him reason to believe that India and the Dominions were also opposed to the Protocol.[2] He closed by saying: "that, Gentlemen, is the declaration which His Majesty's Gov-

[1] It was reported at the time that Lord Balfour had a large part in preparing this statement. See *Minutes of the Council*, 33rd Session, pp. 446–450, also *International Conciliation—Documents*, 1925, No. 212, pp. 245–255. (Carnegie Endowment for International Peace.)

[2] Australia had concluded that the Protocol would give Japan the right to take disputes arising out of Australian immigration laws to League tribunals.

ernment has instructed me to make." When he sat down Briand, Benes, and other friends of the Geneva Proctocol, made some formal speeches, but everybody present knew that the Protocol was dead.

CHAPTER XII

LOCARNO

1. *The Good that Lives After*

THOSE who were present in the Council on March 12, 1925, when Mr. Austen Chamberlain slew the Protocol, were avowed friends of that project, and were saddened by its demise. In the speeches they made they did what most men will do on such an occasion, fell to talking about the virtues of the deceased. They all said, and it relieved their minds, that the Protocol had many excellent things in it and that these things would live and yet become effective in the work of the League. It is now evident that their hope was justified.

Of all the persons present M. Benes, of Czechoslovakia, had been most active in the actual preparation of the Protocol. Realizing how much his own state needed the security it was expected to give, he had spared no effort to make it a document satisfactory to all. He had been the *Rapporteur* having charge of that portion of it that fell under the jurisdiction of the Assembly's Committee No. 3, and he had ably conducted it through the Fifth Assembly. The speech he made in this Council meeting was very striking, and his sum-

mary of conditions in Eastern Europe is worth remembering. He said:

"From Finland in the North through the Baltic Republics, Poland, Germany, Czechoslovakia, and Austria, down the valley of the Danube to Constantinople, and South Greece, there are regions where thousands of conflicts may break out, beginning to-day by the murder of a frontier guard or the desecration of a flag and easily ending to-morrow in a terrible war.

"To-day all these countries are tired of this state of affairs. They long to be at last delivered from this intolerable position. They know that they have many problems that are almost insoluble psychologically by direct negotiations and have wished to find methods other than violence and direct action by which to solve these problems. In general, they are small nations of which M. Briand spoke so eloquently yesterday; they want nothing but peace and security, and that is why the Czechoslovak Government, as one of these nations, insisted so urgently upon the idea of arbitration and on the policy of the Protocol. If you notice, gentlemen, it is a striking and extremely symptomatic fact that the majority of the signatories of the Protocol belong to the States inhabiting this danger zone of Europe—States which hitherto have been considered as politically unripe, intolerant and quarrelsome in comparison with Western Europe. It is these States which to-day ask for compulsory arbitration, put their signatures to such arbitration, and wish to make it general." [1]

M. Benes closed his appeal to the goodwill of the Council by moving that the Protocol and the project of a Conference on the Reduction of Armaments be referred to the next Assembly. The motion carried, whereupon the British Foreign Secretary repeated his assurances that the British Government "remains firmly attached to the principles of arbitration and disarmament and is anxious to do its share in giving peace and security to the world." It is not likely that at this time

[1] *Minutes of the Council*, 33rd Session, 1925, p. 459.

he or the British Cabinet had made any plans for realizing these aspirations.

2. *Germany's Early Relations with the League*

For some time after the war most Germans looked on the League of Nations as a tool in the hands of their enemies, and in confirmation of this idea they pointed to the Eupen-Malmedy plebiscite, the influence of France on the Saar Governing Commission, and the advantages given to Poland in the Upper Silesian Award. But time changed this feeling and their leaders came to see that the way to insure that Germany's alleged wrongs should cease was to join the League and take a seat in its Council. As it was, she was isolated in European affairs.

The rise of Herr Stresemann to the head of Germany's Foreign Office in 1924 was one of the reasons for her change of view. He with the support of the then existing Chancellor, Herr Marx, struck a new note in German foreign policy, and despite many conflicting party demands they managed to carry a liberal policy forward. One of Stresemann's most difficult tasks was to get the Reichstag to approve the Dawes Plan in August 1924. His small majority on that occasion was gained by the most patient and persistent efforts, in the face of stout resistance by the Nationalists.

The reader will have a better understanding of the story here related if he knows the larger facts of German internal politics at this time. On the Right wing the Nationalists—extremists and moderates—stood for a policy of retaliation in Foreign Affairs. They advocated the restoration of the monarchy and demanded

a conservative policy in domestic affairs. On the Left the Socialists and the Radicals supported the Republic, accepted the results of the war in foreign affairs, and advocated some form of socialistic control of industry. The parties of the Centre in general supported the Republic, and so on that question, if they had the support of the Left, the Republic was safe. On domestic problems they were conservatives, and so by acting with the Right they kept the country from drifting into Socialism. In Foreign policy, they were liberals, in favor of the measures that led to conciliation with the outside world, and here they had the support of the Left, which gave them a majority. It was in this way that Stresemann got Reichstag support for his measures relating to the League of Nations.

His position was very unsteady. The Left denounced him for supporting the conservatives on domestic policies, but when it came to the issue, they did not dare vote against him on foreign affairs. They could not run the risk of having the Nationalists fully in power. The Right denounced his foreign policy, but they needed his support on domestic policies. By thus playing one wing against the other the Centre was able, in general, to keep the balance in its own hands, whoever the Chancellor, and to carry through a number of moderate measures. The passage of the Dawes Plan was followed by a visible softening of Germany's feeling toward her former foes, a thing which the Nationalists feared, since it tended to weaken cohesion in their party.

Immediately after this success Stresemann began to lay plans for taking Germany into the League, first getting the endorsement of the German Cabinet. In

September, 1924, he sounded privately the States represented in the League Council, with what he took for favorable results. Thus encouraged he sent the Council an application for admission to the League under date of December 11, 1924. At the same time he said that there were four things about which Germany would like to know the attitude of the League in case she was admitted. They were:

1. She would expect a permanent seat in the Council, and an equal status with other States, especially in filling the posts in the Secretariat.

2. As a temporarily disarmed nation she thought she should not be expected to contribute armed support to any measures taken against a defiant state under Article 16 of the Covenant.

3. In pledging herself to keep her obligations, as by Article I, she should not be taken as renewing her acceptance of the "assertions on which Germany's obligations are based and which [constitute] a moral responsibility upon the German people." He here referred to Article 231 of the Versailles Treaty, popularly known as the "war guilt clause," warped from its original meaning by the Nationalists in Germany and made to do yeoman's service in arousing German feelings.[1]

[1] The adoption of the Dawes Plan took off the edge of the war guilt argument in Germany. This doctrine had gone through a most unusual experience. Article 231 of the Versailles Treaty, out of which it grew, runs as follows: "The Allied and Associate Governments affirm, and Germany accepts, the responsibility of Germany and her Allies for causing all the loss and damages to which the Allied and Associate Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies." This article is the first in the section of the Treaty dealing with reparations. Broadly speaking it was inserted to fix Germany's responsibility for the damages done, so that she might not escape by pleading "But this is war." In Germany it was given a much wider interpretation. It was taken to be an acknowledgment by Germany of responsibility for beginning the war, wrung out of her under duress. This meaning can be got out of the Article only by stressing unduly the last seven words in it. As a rallying point of national sentiment it served the German political leaders well; and in its secondary meaning it is still alive in the country, although the fixing of the actual amount of the reparations has made of it of little significance in its primary sense.

4. She would expect that in due time after admission she would "be given an active share in the working of the Mandates system of the League of Nations."[1]

The first of these points presented no difficulty, and the third and fourth were probably brought forward to satisfy German public opinion. But the second was a real problem. If she joined the League she assumed obligations under Article 16 for proceeding against a Covenant-breaking state. Now this would give her no trouble on her West front; for if she herself did not break the Covenant there, it was not likely that war would occur in that region. But the situation was more dangerous in the Eastern European States. If the League decided to make war against, or to impose economic penalties on, one of these states Germany, as a member state, would have to aid in enforcing them. With a skeleton army she would be in no situation to deal with the crisis, especially in its early stages, before help could come from other member states.

Probably few people living in the allied countries had ever stopped to consider her situation in respect of her power of defence. "Germany," said this memorandum, "stands militarily quite impotent in the midst of a heavily armed Europe." One of her neighbors with a population of less than 8 millions had an army of 80,000; another with less than 14 millions had an army of more than 150,000; another with less than 30 millions had an army of 275,000; and another of less than 40 millions had an army of 700,000. Germany with more than 60 millions of inhabitants had a standing army of 100,000, and it was badly furnished with war materials.

[1] *League of Nations, Official Journal*, 1925, III, p. 325.

Without referring to the justness of this situation she pointed out that it made her position, centrally placed as she was, very critical should war occur. On this account Stresemann made the following suggestion:

"It is the opinion of the German Government that there is only one way out of the difficulties arising from this disparity in case of Germany's participation in the execution of sanctions: Should international conflicts arise, Germany ought to be at liberty to determine how far she will take an active part in them. This is no special privilege which Germany is demanding. She merely asks that her peculiar situation be taken into consideration when her obligations as a member of the League are being fixed. Otherwise, by becoming a Member of the League of Nations, she would be compelled to waive her right to neutrality, the last defense of a disarmed people." [1]

The Council asked M. Quiñones de Leon, of Spain, to prepare the reply to this note, having in mind that Spain had been neutral during the war, and relying on his often proved ability in matters requiring tact and courtesy. He complied and on March 14, 1925, his draft was approved and dispatched to Berlin. It was written in a reasoning spirit and expressed satisfaction with Germany's desire to join the League. On the second point raised by Herr Stresemann it pointed out the impossibility of allowing special privileges to a nation coming into the League, and showed that there were provisions in the Covenant by which in the situation mentioned, Germany's unarmed condition would be taken into consideration. The note concluded by expressing the desire of the Council to see Germany in the League "and thus play, in the organization of peace, a part corresponding to her position in the world."

[1] *League of Nations, Official Journal*, 1925, III, 324.

3. *Stresemann's Suggested "Security Pact"*

Meanwhile Herr Stresemann made another move. Early in 1925, he asked the British Foreign Secretary what attitude the British Government would take towards a proposition for a pact between Germany and the Allies for the Security of the existing frontiers in Western Europe. He was told that no notice could be taken of such a request if made to Great Britain alone, whereupon he replied that it was about to be made of France, Belgium and Italy also.

In accordance with this assurance he sent the French Government on February 9, 1925, a memorandum on the proposed pact. He added that Germany would also be willing to make other regional pacts in Europe and expressed the hope that if such treaties covered the most dangerous points in Europe they might eventually be merged into a general treaty in the same spirit as the Geneva Protocol. Germany, he said, would not go to war to change any of her Eastern boundaries fixed at Versailles, but she reserved the right to submit their modification to courts of arbitration or to the League of Nations.

In the following month Mr. Chamberlain attended the Council in Geneva. It was here that he dealt the death blow to the Protocol, much to the sorrow of Briand, who did not conceal his feelings. Returning to London he stopped in Paris and had an interview with Briand; and it is reasonable to suppose that the two men, each a foreign secretary, talked over the German proposals. Shortly after he reached London he had to face a warm attack in the House of Commons for rejecting

the Protocol. Pressed as he was he disclosed the nature of Stresemann's proposals of February 9, previously known only by rumor, saying that a treaty of guarantee in accordance with them would strengthen the League. Mr. MacDonald, now opposition leader, observed that the German proposition was good as far as it went and would serve to keep France in a feeling of security. He added, however, that a regional agreement would not permit the adoption of plans for disarmament, which, after all, was the chief desideratum. The Prime Minister, Mr. Baldwin, closed the debate and observed that Germany's turning to Great Britain in this matter placed a great responsibility on that nation, and, if carried to a successful issue, would have a great influence on the much desired process of world conciliation.[1]

This debate was well received in Great Britain and the ensuing comments showed that the people were deeply interested in the welfare of the League. They did not care much about the fine points of the Protocol, but its rejection aroused them, because it seemed a blow at the League and because the enemies of the League took it as another indication of the return to the old diplomacy. This incident also had its influence on the Foreign Secretary, then only five months in office. It showed him that he could not afford to treat the League as a mere dream. Having destroyed the Protocol, it behooved him to find something that would take its place.

Stresemann's suggestions were sent to Briand, who on May 13, 1924, sent Chamberlain a draft of his reply, asking his opinion on it. The British Secretary replied that his Government would agree to a Pact maintaining

[1] *The Annual Register*, 1925, pp. 22–32.

the existing frontiers in Western Europe and would accept treaties to that end in which disputes should be settled by arbitration. Thus reassured, Briand rewrote his draft reply to Stresemann and sent it to Berlin, June 18, along with other relevant matter, and it was published in London as a British White Paper.[1] In it occurs the following statement:

"The memorandum only mentions incidentally the League of Nations. Now the Allied States are members of the League of Nations and are bound by the Covenant of the League, which involves for them clearly defined rights and obligations with the object of maintaining general peace. The German proposals no doubt lay claim to the same ideal, but no agreement could be achieved unless Germany on her side assumes the obligations and enjoys the rights laid down in the Covenant of the League. This agreement, then, can only be conceived if Germany herself enters the League of Nations under the conditions laid down in the note from the Council of the League of Nations, dated the 13th March, 1925."

The publication of this White Paper attracted wide attention in England and Mr. Chamberlain was forced to defend his position in the House of Commons, with the result that a warm debate was precipitated.[2] Members continually were reminded that no treaty or proposal for a treaty was before the House, but for all that the ideas of a universal agreement and of a series of regional agreements set forth in the French reply to Germany were attacked and defended with great vigor. The Foreign Secretary defended regional, or separate, agreements and attacked the Protocol because it provided for a general agreement. Ramsay MacDonald

[1] *Great Britain, Foreign Office, Miscellaneaus*, No. 7 (1925) Cmd. 2435, with the separate title of *Papers Respecting the Proposals for a Pact of Security.*

[2] *Parliamentary Debates, House of Commons*, June 24, 1925, vol. 185, pp. 1563–1679.

defended the Protocol, saying that if war began under regional pacts it would inevitably be transferred by a process of interlacing signatures to the signatories of other pacts until at last there would be general war.

Especially interesting was his reply to Chamberlain's charge that the Protocol never had an opportunity to obtain ratification by the Dominions.

"The Protocol," he said, "at every stage of its creation and building up, was brought before the representatives of our Dominions in Geneva. It was brought before the representatives of India, and there was not a single part of the British Empire that was represented at Geneva but had its representatives in Council. I attended several meetings myself at the beginning. Day by day, and week by week, clause by clause, stage by stage, point after point, the official representatives of the Dominions and the Indian Governments were there, were discussing it, and agreed to accept it."

The speaker did not say so, but he left his hearers to infer that the idea that the Protocol would interfere with the British Empire in its Asiatic relations was of later origin than the Geneva debate.

Mr. MacDonald also made a strong point out of the fact that a general agreement would facilitate the reduction of armaments, whereas in the ideas of the Foreign Secretary as set forth in the White Paper there was no provision for such a thing. He said much more, but of all that was said the following sentences are perhaps the most interesting:

"When I went to Geneva and met the Assembly, I met a body of representatives whose minds, to begin with, were somewhat remote from mine. The old diplomatist is a very worthy person; he is a very wise man in the ways of the world, and there is nobody and nothing that inclines him more to smile than a fresh mind, full of enthusiasm. I came away from Geneva fully convinced that

peace was possible; fully convinced that the change that had to be made was not a great big somersault, so that men who had been standing on their feet for all the previous years of their life had to stand on their heads and see the world inverted. Nothing of the sort. After very intimate conversations and a very thorough exploration of the problems, I came to the conclusion that the alteration that was required was the very smallest fraction of a change in the angle of vision." [1]

In such utterances as these it was possible to see that the House sincerely desired the adoption of some scheme of the general character expressed in the Protocol. It was a significant debate and Mr. Chamberlain was too capable to ignore its meaning. From that date he marched straight to Locarno.

4. *Forming Opinion for a "Security Pact"*

To most of us Locarno came as a glorious sunburst to a world hitherto overclouded. One scheme after another had been tried and rejected. Weary and doubtful we took up the task of preparing yet one more. Then one day it was announced that the scheme was made and that it was accepted. In the sudden relief from doubts and fears there was an outburst of wonder and joy, and to the world Locarno became a spot on which a beneficent deity had descended from the sky to bless mankind. But Locarno was not, in fact, a surprise. The events of the preceding three months led straight to it, and they were all taken in the full light of day.

The British Parliamentary debate of June 25 was followed by a German note of July 20 stating more clearly

[1] *Parliamentary Debates, House of Commons*, June 24, 1925, vol. 185, p. 1590.

than the previous notes the views of the German Government.[1] August 24 a reply was sent which clinched the matter and the stage was reached immediately preparatory to the Conference.

At this point occurred a thing that proved very advantageous to the progress of the negotiations. Since many of the details that make tedious the preparation of a treaty are points touching law, it was arranged that a Committee of Jurists, one from each of the four nations, should meet in London and clear up all such technical points. The work of this group, which assembled on August 31, was most helpful. It not only saved time, but by relegating juristic matters to jurists, it avoided the muddling that frequently happens in treaty-making when they are taken up by mere politicians. The work of the Jurists in London was a large part of the decisions announced at Locarno.

When it was known in Germany that a meeting was to be held there was great commotion among the politicians. Any sign of conciliation with the Allies caused pain to the Nationalists, and the Nationalists were powerful. Herr Stresemann had, and he knew it well, a difficult task before him. He was going to Locarno where his best powers would be taxed severely, and at the same time he was confronted with the prospect of a strict accounting when he returned. It was a prospect full of hidden perils, but he had a stout heart and a hand skilled in the direction of party currents. The invitation to meet in Locarno was from France and Great Britain, with the support of Belgium and Italy, and the proposed date was early in October, 1925.

[1] *Great Britain, Foreign Office, Miscel.* No. 9. *Reply of the German Govt.*, London, Cmd. 2468.

The warm debate in Germany of the proposed "Security Pact," as the Locarno Pact was called before it was made, was of great value to Stresemann, for it gave him the opportunity to estimate the strength of the shifting currents of opinion. In many public meetings, in a vast mass of newspaper and pamphlet discussion, and in countless interviews with public men he came to realize what he could do and what he could not do.

One of his decisions was that he should not go to Locarno alone; for the responsibility was too great to be assumed by one man, and he asked that he be allowed to take a German delegation, naming the Chancellor, Dr. Luther, as one of the members. Mr. Austin Chamberlain, whose instinct was for one-man action, objected at first but gave way before Stresemann's arguments. Dr. Luther's attitude on the entire policy of German conciliation was very favorable, and at Locarno he was one of the most useful of the negotiators.

When the invitation to Locarno reached Germany, Stresemann laid it before the Cabinet, a large part of which was Nationalist. Then there was consultation with party leaders out-of-doors. Everybody realized that the attitude of the Nationalists would be most important. Stresemann was relieved when their leaders decided to support the measure, and the vote of the Cabinet to accept the invitation followed as a logical result. But when the out-of-doors discussion, incited by the extreme Nationalists, waxed warm the attitude of the party became less certain. The Cabinet vote stood, but there was much talk about imposing conditions. Special stress was laid on the "war guilt" clause

in the Versailles Treaty, Article 231, and a demand arose for its modification. It went so far that the Allies, always observing this German commotion with great interest, deemed it necessary to say that the proposed Conference would have no authority to modify the Treaty of 1919. It is often easier to raise a popular excitement than to lower it, and so it proved here. Stresemann and Dr. Luther found it wise to make as few commitments as possible. They went to Locarno when the time came to get the best Pact they could get the people of Germany to approve. What went on in Germany in this month of September, 1925, was no small part of the history of Locarno.

In that month the Assembly of the League was in session in Geneva. It had before it the limp form of the Protocol, fashioned so enthusiastically by it a year earlier, its wounds still rosy where the ruthless Chamberlain sword had run. There was some talk of remodelling it into some kind of a "Security Pact"; but Chamberlain, present at the head of the British delegation, would not allow such a step to stand in the way of his own plans. He made a speech against the principles in the Protocol and said that British policy was opposed to it and his Government would not accept it. The Assembly had to content itself with resolutions endorsing the cardinal principles of the Protocol, security, arbitration, and disarmament. Willing to promote every effort in behalf of its major purpose, the Assembly also gave its support to the efforts then being made by the Allied Powers and Germany to create a "Security Pact" along League lines. Painlevé and Briand, as well as Chamberlain, were in Geneva at the

time, with members of the Committee of Jurists that had been in session in London; so that the Pact was actually being put into final technical shape in a Geneva hotel while the Assembly in the Salle de la Réformation nailed down the coffin lid of the Protocol.

In these days there was much speculation over Italy's attitude toward the coming "Security Pact." Mussolini had allowed her name to be signed to the invitation extended by the Allied Powers to Germany, but he had shown no clear interest in it. It was hardly to be doubted that on principle he had no inclination to tie Italy's hands, so that she could not take advantage of any chance opportunity to extend her power at the expense of some other nation. At the same time she was not ready to refuse to act with other Allied States. In all the detailed arrangements made for the Conference great care was shown not to offend him. It was through that motive that the meeting was held at Locarno in neutral Switzerland, but so near the border that he could easily attend, if he wished.

5. *At Locarno*

The town of Locarno, in Switzerland, is on the shore of Lake Maggiore, a few miles north of the Italian frontier. In the autumn days of 1925, when it became famous in the annals of peace, it was exquisitely beautiful with its long rows of magnolia trees, its many gardens of highly colored flowers, its stretches of glowing blue water, and its wealth of glorious alpine sunlight. No more beguiling spot could have been selected for turning the minds of men away from thoughts of war

and political intrigue to the pleasant ideals of peace. Into its early October charm came the five delegations that were to make the Locarno treaty, like mere mortals dropping one by one on to some fairy stage, shocking the pervading beauty at first and subdued by it at length.

The delegations—they numbered 125 persons in all —not to mention the Poles and Czechoslovakians, who arrived near the end of the meeting, distributed themselves in the hotels, and the 150 newspaper writers, who came to see what was to be done, clustered around them. The Germans found lodgings in a hotel situated a mile from the centre of the town, and when the newspaper men came to look at them Stresemann made them a good natured speech. He said they must not think this location was chosen through preference for a policy of isolation. Such a policy could no longer find favor in Europe; and he announced that Germany came to Locarno with the firm purpose to coöperate with the other nations. Referring to a recent visit of Tchitcherin, of Russia, to Berlin, which had occasioned much talk and speculation, he said that the incident had only commercial, and not political, significance. It was not the policy of Germany, he added, to choose between Russia and the West but to have equal peace with all the world. As the first German speech made at a peace meeting since 1914 the words of the speaker were heard with great attention.

Plausible claims can be made that Briand's project at Cannes in 1922 was the germ of the Locarno Pact; and it happened that the actual meeting was the culmination of a series of suggestions the first of which came

from Stresemann in his letter of February 9, 1925. But it was Chamberlain more than anyone else who led and nourished the negotiations once they had begun. No president sat in the conferences, but all the members looked to him to do the things a president would ordinarily do. He showed skill and good sense in what he did, and it was due to his good humor and tact that nothing occurred to break up the harmony of the occasion. Very serious differences had to be overcome, especially with reference to Germany's admission to the League. He did not solve them of himself; but he kept alive in all the delegations the spirit that enabled the others to overcome them. As to the things that happened on the spot, Locarno was a Chamberlain victory.

Out of the negotiations came one treaty, or pact, and four arbitration conventions.[1] The treaty was signed by Belgium, France, Germany, Great Britain, and Italy, and pledged the signatories to maintain the existing boundaries in Western Europe. The conventions were made between Germany and Belgium, Germany and Czechoslovakia, Germany and France, and Germany and Poland. No trouble was encountered in making the treaty and the two conventions relating to the West, but there was plenty of it on the Eastern frontier.

When Stresemann first suggested a Conference in his note of February 9, he said Germany would be willing to make regional conventions of guarantee by which security would be given against war. It was in developing this idea that the Germany-Czechoslovakia, and the Germany-Poland Conventions were made. France did

[1] For the texts of these treaties see *Annual Register*, 1925, pp. 96–106. They have been published in various other forms, one of the most accessible being *International Conciliation*, No. 216 (Carnegie Endowment for International Peace).

not quite like the idea of having Germany solve all her problems with these two states, since it would diminish French influence with them. Briand met the situation by proposing that France should also sign the conventions as a joint guarantor. To this suggestion Germany objected as not according with her dignity. France cited the obligations of her existing treaties with these two states guaranteeing their frontiers. It was at last agreed that Germany, as she wished, should alone sign the conventions and that France should re-approve her treaty relations with Czechoslovakia and Poland. Stresemann held that he could not get these two conventions approved in Germany if she was put to the indignity of having France appear as a guarantor that she would keep her promise.

The representatives of the Allied States insisted that Germany should join the League as one of the conditions of the Pact; for they looked on membership in the League as the means of obtaining her compliance with the terms of the Pact. Germany was equally desirous of joining, since by being in it she would have a voice in decisions affecting her future. But she went to Locarno with the feeling that the obligations in Article 16 of the Covenant should be modified for her benefit in view of her weakened situation. The reply was that all the members of the League should stand alike, once they were in, and that, in fact, Germany in the League, and in the Council, would always be able to prevent the adoption of any measure she considered unfair. Luther and Stresemann saw this point but they feared that the German people would not see it. They asked their colleagues to agree to change Article 16 in this

respect, so that they could show it to the people at home. To meet the demand these colleagues signed a paper in which, while admitting that they could say nothing to bind the League, they promised as individuals to vote for the proposed changes, if Germany thought it necessary. It was urged by Germany and conceded by all the others that Germany should have a permanent seat in the Council.

The German delegation also hoped the Conference could be induced to utter some modifying interpretation of Article 231 of the Versailles Treaty, on which the extreme Nationalists had built up their violent "War Guilt" crusade. They were told in reply that the Conference had no authority to modify the Treaty. It was also pointed out that the question of moral responsibility for the war was a matter to be settled by the historians. It is doubtful if the German agitators would have been satisfied with any utterance the Conference could have made on this point short of repudiation of all German responsibility. The Conference did very wisely to keep out of the currents and eddies of that agitation.

The discussions were in secret, but the newspaper writers picked up what crumbs of information they could get on the outside. October 10 was Mrs. Chamberlain's birthday, and the leading negotiators made up a water-party in honor of it. They boarded a launch and spent the afternoon on the blue surface of the lake, laughing, jesting, and perhaps talking about their problems as negotiators. The newspaper men were inclined to think that things went a little better thereafter. A day or two later it was reported that the delegates of

Czechoslovakia and Poland, waiting in Prague and Warsaw, were setting out for Locarno. Why should they come if there was not a prospect of general success? October 11 Mussolini, whose mysterious air had caused much speculation, announced definitely that Italy would be one of the guarantors of the Pact; and this was received as another favorable sign. October 13 one of the Germans dashed off to Berlin in an airplane, and that, also, seemed encouraging. On the 14th, late in the afternoon, a flickering little rumor emerged from the Conference-room saying the thing was done, or, at least, as good as done. Next day's news was more definite. The Pact and the Convention with Belgium and France, it said, were done and the finishing touches were being added to the conventions with Czechoslovakia and Poland.

The group of newspaper writers in Locarno was as distinguished in their field as the negotiators in their field. The spell of Locarno had fallen on them also. They who had looked over the whirling turmoil of the Paris Conference of 1919 without enthusiasm, showed a different spirit here as another Conference considered one of the latest phases of the world's spasm of war. They talked of the things that were happening day by day, and day by day they laid their doubts and hopes before millions of readers. The news that it was finally done fired their imaginations and they decided to celebrate the victory. October 15 they gave a luncheon to all the delegates. In a burst of goodwill and relief of pent-up feelings the leading statesmen of Europe and the leading moulders of public opinion sat down to-

gether to enjoy a success for which each side might justly claim a share of responsibility.

Chamberlain was the centre of the group, here as in the Conference-room. He said, in a brief speech, that the Conference of Locarno was the first meeting since 1914 in which the states had met without suspicion of one another's motives, and he added that if any state in this Conference had suspected that another state here was getting an advantage by the proceedings, the Conference would have broken up in failure. When he sat down Briand and Stresemann rose and touched glasses across the table, the assembly breaking into cheers of applause. Goodwill overflowed and it was spontaneous. The same thing can be said of the meeting on the afternoon of the 16th, when the last act of the Conference was performed, the signing of the Pact and the initialing of the arbitration conventions. Briand had pressed on the arrangements so that the signing might occur on the 16th, which was Chamberlain's birthday.

It was late in the afternoon when this ceremony was performed. After it the delegates hesitated a moment and then quietly withdrew. Around the little City Hall of the town the inhabitants of Locarno had collected to get such a glimpse as they could of the last phase of the most memorable event in the history of Locarno. They cheered as one by one the delegations came through the door and walked down the little walk to their cars. Luther and Stresemann walking side by side were cheered with vigor; for Briand there was an even stronger outburst; but the strongest of all came

when Chamberlain appeared. Outdoors as well as indoors he was the hero of the Conference. In his hands he carried a large brown paper envelope suggestively full of papers. As his automobile moved off he rose and waved the parcel at the crowd, smiling in boyish delight. It held the Pact and the four Conventions of Locarno.[1]

Only one thing occurred that was not in harmony with the spirit of perfect goodwill and friendship. October 15, in the late afternoon, Mussolini arrived for the signings on the 16th. He came by motor-car from Stressa accompanied by five other cars filled with supporters. As soon as he had gone to his quarters Chamberlain called on him and other delegates followed. After the ceremony on the 16th he went back to Stressa as he had come. While in Locarno it was announced that he would receive the newspaper men at a certain hour. When he went to give the interview only a handful of reporters was present. It was, perhaps, an intentional rebuff in return for his actions in restraint of the liberty of the press in Italy. Among those present he saw one whom he thought he knew, thinking him a representative of a communistic paper in England. He approached this man, spoke to him, and asked how Communism was advancing in England. The reporter replied that he was not a Communist and knew nothing about conditions in England. Mussolini, realizing that his advances were not appreciated, said he thought he had met the reporter at Cannes, but evidently he had

[1] For the incidents out of which this account of the Conference has been constructed, as well as for those relating to the struggle for adoption in Germany I am chiefly indebted to reports by writers for the London *Times*.—J.B.S.

made a mistake; at which the other remarked "as you often have in other matters." [1]

6. *Locarno before the World*

In some quarters the news from Locarno was received with rapture. In most places it was cordially approved. The world had long hoped for some plan of binding up old wounds, and one on which all could unite had appeared at last. Those who liked it thought that others ought to like it, and there followed a wave of enthusiasm for "Locarno" and "the spirit of Locarno" that is partly explained by the relaxation of pent-up feeling. Men who were planting willows at the grave of the Protocol threw aside their spades and acclaimed the birth of Locarno, forgetting that the Protocol died that Locarno might live.

Not that the approval was unanimous. The extreme opponents of the League still jeered. In France, where "Poincarism" was still strong there were some who mistrusted any acceptance of Germany's word. But these were an inconsiderable part of the population. The Locarno settlement had behind it the Conservative majority and most of the opposition in Great Britain; it had in France the prestige of Briand and the growing desire for peace. In the small nations of the Continent it was popular because it might prove the basis of enduring peace.

It was in Germany that it had its greatest practical opposition. The Nationalists had kept up a steady war on the Conference while it was in session. Threats were

[1] London *Times*, Oct. 17, 1925, p. 12.

made about its measures: difficulties were raised as to certain things that must be accepted by the Conference; and all possible kinds of pressure were brought to bear on Luther and Stresemann to keep them from accepting the results. Both men felt when they faced the German people that their work was cut out for them.

By the agreement at Locarno each of the countries concerned was to ratify the treaty and Conventions, and when such ratification was accomplished the Conference would meet in London and complete its work. No state had trouble with this program but Germany. The persistency with which the extreme Nationalists declared that Germany was betrayed into the hands of her enemies created a deep impression there. It was especially strong in the rank and file of their party, a section of the population which under the name of "Backwoodsmen" were blindly German, sensitive, and unreasonably committed to the old system. When the agitation reached the minds of these men it raised a fury of loyalty that went beyond the expectations of their leaders. One of their most active chieftains was Admiral von Tirpitz, who summed up the argument of his party as follows: Locarno only confirmed the Versailles Treaty and to accept it would make it impossible to overthrow the Treaty; it divided Germany from the prospect of an alliance with Russia; and finally it associated Germany with the League of Nations, a League founded and conducted by Germany's enemies. During most of this period Tchitcherin, representing Russia, was in Germany doing all he could to prevent ratification.

The situation gained additional perplexity by the at-

titude of the socialists, who resented the way in which the central parties had played for their aid in foreign policies and dropped them in domestic matters. They said plainly that they would not again be made cats-paws. "We have already told Herr Luther," they declared, "that we see no reason why we should offer ourselves as stop gaps for the Nationalists. If we were to do so, they would accuse us of treason. When the ink was dry on the Pact they would come knocking at the Government door again. Herr Luther would declare that within the party there reposed very valuable abilities and also that it would be impossible to pursue a policy of trade or finance with the Socialists. The Nationalists would then rejoin the Government and declare that they must keep a watch on the 'fulfilment' of the agreements. We must not allow it to come to this."

During more than three weeks the campaign was of the bitterest kind. Dr. Luther, Dr. Stresemann, and President Hindenburg were put to their best efforts to lead the parties of liberalism against reaction. These parties acted from various motives in most things, but they were now united in favor of putting the past behind them and taking a position in which they could look to the future. To meet the general cry that Germany was being dictated to by the Allied States, whose forces were on the Rhine and in Cologne, was one of their greatest difficulties. Help came from the Conference of Ambassadors in Paris who on November 15 agreed to begin the evacuation of Cologne on December 1, 1925, and to reduce the occupation of the Rhineland as rapidly as possible. The effect of this action

was good. At the last moment the Socialists gave in and decided to support the Treaty and Conventions. They could not well do otherwise; for stop gap or no stop gap the adoption of a policy of conciliation was for their great advantage as against the policy advocated by the Nationalists. The vote in the Reichstag was taken on November 27, the question being the ratification of the treaty and Conventions and the application for admission into the League of Nations. It was Stresemann's victory by a vote of 271 to 174.

Four days later, December 1, the Locarno Conference was in session again, but in London, with the same personnel except that Count Scialoja now represented Italy. On the table were the treaty and conventions ready for final signatures. At the head of the table sat Sir Austen Chamberlain, whose admission to the Order of the Garter had that morning been announced, an award made in recognition of his services at Locarno. The official duty of the occasion was quickly performed, the motion-picture machines and other cameras working busily the while. Then the delegates began to make little speeches of felicitation, as men will when they have come happily through difficult places. Stresemann said:

"If we go under we go under together; if we would rise we cannot do so in conflict with each other, but only by working together. Accordingly, we cannot afford, if we believe at all in the future of our nations, to live in discord and enmity with each other, but must join hands in a work of general co-operation."

Briand said:

"It is not by an acumulation of strength that it is hoped to render war impossible but by the bonds of mutual assistance and

human solidarity. Opposite me sit the German delegates; that does not mean that I do not remain a good Frenchman, as they remain, I am sure, good Germans, but in the light of these treaties we are Europeans only."

Briand had a right to speak in confidence of the situation; for Locarno realized the dream of Cannes. In the four years that divided the two Conferences what a maze of political events had intervened! Throughout the changes he had stood continuously for a policy of conciliation, and French opinion, so confused at first, had come around to him. It resulted that in spite of political changes Briand was the man of all Frenchmen for the French Foreign Office. It is not often in recent French history that a man becomes so popular in the country that he cuts across party lines and maintains cabinet office, as Briand has done in the Foreign Office, under one premier after another. To the historian, who pays attention to events that present themselves in series, Locarno was a crown for Aristide Briand.

To the people who actually saw the finishing ceremonies on that first December day of 1925, it was Sir Austen Chamberlain's day of glory. Stresemann, looking back to the October days on Lake Maggiore, saw it in that light and summed up his impression as follows:

"Thus the Conference of Locarno, which was so informal, has led to a successful issue. It could be so led because it had in you, Sir Austen, a leader who by his tact and amiability, seconded by his charming wife,[1] first of all wove about us that girdle of perfect trust which is surely a component part of what was described as the spirit of Locarno. There was, however, something else which was more important than this personal intimacy. This was the

[1] At the time the King bestowed the Order of the Garter on her husband, he made Mrs. Chamberlain a Dame Grand Cross of the Most Exalted Order of the British Empire.

determination which glowed in you and in us to bring this work to a conclusion." [1]

As the master-hand that carried the Conference through, as the will that inspired the group, as the human soul that gave humanity to a hard-faced group of diplomats, in all these capacities he had done well. More than that he had done something new in the history of such conferences: for he had created a personal spirit of understanding and concession, whereas in the past opposite feelings were the rule. It was a service to the Nations of Europe in their immediate distress: it was also a step forward in the technique of holding small international conferences.

[1] These proceedings are fully described by the London *Times* of Dec. 2, 1925.

CHAPTER XIII

THE BOUNDARIES OF IRAQ AND TURKEY

1. *Origin of the Dispute*

IRAQ is a mandated kingdom governed after the Egyptian model by a king, a Senate whose members are nominated, and an elected assembly. The country embraces a large part of the Tigris Valley and its main axis, from southeast to northwest, is 600 miles, while its extent east and west reaches about 500 miles. In 1920 its population was reported at 2,849,282. Long under the rule of Turkey, it began to show restlessness about the time of the Balkan Wars, and when Turkey came out for Germany and Austria in 1914, October 29, the non-Turkish faction entered into relations with Britain and declared for independence. Great Britain, whose interest in the oilfields near the head of the Persian Gulf were of great importance, gladly gave aid and conducted an expensive but successful campaign, so that in 1918 all the valley was held by her armies. In this valley was Baghdad, the eastern terminus of a great projected railroad which Germany had undertaken to build as the basis of expansion in the Near East.

After the war the Supreme Allied Council made Iraq

a British mandate of Class A and recognized its independence provisionally with the expectation that it would soon be "able to stand alone," when it was to have complete independence. In 1921 Emir Feisal was elected King of Iraq with British approval. The choice was endorsed in a plebiscite by a majority equal to 96% of the voters and in the same expression of the popular will the British mandate was approved. In the following year the British military occupation ceased and Feisal was left to his own resources, but a British High Commission remained in the country to give advice in the interest of the mandating power and British garrisons, including airmen, continued in Iraq.

King Feisal was opposed to Turkey and the majority of the inhabitants shared his views. Soon after he took over the government trouble appeared. Turkey began to stir up the people on the northern and eastern frontiers. She stirred up the Kurdish tribes in that region, and Arab tribes on the southwestern frontier began to conduct raids in the kingdom. King Feisal also began to regret the mandate, and the skies became threatening. A short time was all that was necessary to restore order in the southwest, the British co-operating. But in the north the situation was more difficult. This region, the Vilayet of Mosul, was more friendly to Turkey than Central and Southern Iraq; and the new Turkish Republic, very sensitive to nationalistic feelings, was particularly anxious to retain possession of it. The fate of this region was undecided in 1922 and 1923, and it was probable that Turkey, as the British charged, incited the inhabitants to resistance, feeling when she did so that she was trying to save territory to which she

was morally entitled. A vigorous military movement by British and Iraq forces in 1923 broke the resistance and restored order in the Vilayet of Mosul.

Meanwhile the Allied Powers were negotiating a treaty of Peace with Turkey at Lausanne. No agreement was reached on the subject of the Vilayet of Mosul, and it was finally written in the treaty, signed July 24, 1923, that "the frontier between Turkey and Iraq shall be laid down" by Britain and Turkey, but if they did not agree in nine months the dispute should be referred to the Council of the League of Nations for adjustment. May 19 to June 9 these two nations held a conference in Constantinople on the point in question, but they could not agree. It was then that the British turned to the League, as the Treaty of Lausanne provided. Their appeal to the League was dated August 6, 1924, and it came to a formal hearing on September 20, of the same year, each side presenting a statement of its case. The Republic of Turkey was represented by Fethi Bey, who was given a seat on the Council for that purpose, but without a vote.

The British case rested mainly on strategic grounds. The northern edge of the Vilayet of Mosul fades away into a hilly country that lies south of the mountains that form the northwestern rim of the upper Tigris Valley. The British wished these mountains to be the boundary leaving the whole of the Vilayet of Mosul to Iraq. They argued that if Turkey held the Vilayet she would constitute a continual threat to Iraq with the result that armed forces would have to be maintained by each nation with the prospect of renewed quarrels if not wars. They also pointed out that this region was

the natural source of grain for the lower valley and should not be in the hands of a foreign power. They proved to their satisfaction that the population of the region, more than half of whom were Kurds and less than one-tenth of whom were Turks, did not in the main desire to belong to Turkey. The Turks, they said, were in reality Turcomans, but they constituted the official class under the Turkish régime and were widely distributed in the Vilayet of Mosul.

The claim of the Turks was based on their position before the conquest of this region. When the fighting ended with the Armistice of Murdos, October 30, 1918, the British were holding a line that gave them less than the southern half of the Vilayet of Mosul. They did not then occupy the towns of Mosul, Erbil, Keny-Sandjak, and Suleymanie. The Turks seem to have thought that this line was to be considered as the line of the *status quo*. November 2, 1918, the British general commanding announced a line of *status quo* far to the north of the line then actually held, so drawn as to include most of the Vilayet. The Turks were at the end of their resistance and being unable to make an effectual protest fell back behind this new line. It was stipulated in the armistice, Article 7, that if the safety of the British became imperilled they might advance and occupy strategic points. It could hardly have been expected that this article should be taken to justify an advance without military provocation of 150 kilometres.

The British proceeded to organize the administration of the entire Vilayet and in 1923 they still held it while King Feisal included it in the area of his civil government. The Turks had never agreed to this line, and in

all their negotiations they demanded all of the Vilayet of Mosul. Such were the main contentions of the two opposing nations when the Conference of Constantinople broke up and the British Government laid the dispute before the Council of the League of Nations.

Great Britain, however, advanced a claim to an additional zone. She asked for an area north of the farthest limits of the Vilayet lying on each side of the Great Zab River, a flattened triangle more than sixty miles wide at the base and twenty-five miles high along that river. She alleged no right of conquest in regard to it but only the fact that its possession would give Iraq natural boundaries and thus make for peace between Iraq and Turkey. The Turks took her claim to this additional region as a very arbitrary affair. The region had long been a part of the Vilayet of Hakkari and had never been within the Vilayet of Mosul.

2. *The Issue before the League*

The Council took up the Iraq dispute on August 30, 1924, and gave it a hearing on September 20, Lord Parmoor, British Member of the Council, representing Great Britain and Fethi Bey representing the Republic of Turkey. Each side summarized its contentions and the matter was placed in the hands of M. Branting, of Sweden, as *Rapporteur,* and September 25 he brought in his report. First he asked each representative if he was willing to accept the decision of the Council, whatever it might be. Both men replied in the affirmative. He also asked if it was clearly understood that the Council was authorized to settle the dispute as it thought

best. Lord Parmoor replied again in the affirmative, but pointed out that the point at issue was that which was stated in the Treaty of Lausanne. Feithi Bey insisted that the point at issue was to decide to whom the Vilayet of Mosul belonged.

Now the Treaty of Lausanne did not mention the Vilayet: it said that the point was to fix the boundary between Turkey and Iraq. Between the two aims as defined by Lord Parmoor and Fethi Bey there was an important difference. It took some time to smooth out the difficulty, but at last the Turk seems to have yielded the point and the proceedings advanced. The Council then created a Commission, September 30, 1924, to study the situation and report a solution of the problem.[1] It was stipulated that, pending the report, each side should do nothing to disturb the *status quo* in the disputed territory.

The controversy that followed was in two parts, both leading to one end. Always there was the main question of fixing the boundary between Iraq and Turkey. The other was to preserve order in the interval. The many complaints about violating the peace always stirring up feelings, served mainly to obscure the issue, which was: "What shall be the boundary of Turkey and Iraq?"

Note also that it was not quite like an ordinary boundary dispute in which there are rights and promises on each side with a judicial verdict in the end. Technically speaking, it was not the function of the League to inquire: "Whose is the Vilayet of Mosul?" But the

[1] *Minutes of the Council*, 30th Session, August 30, Septembr 25, p. 1337, and 30, 1924, p. 1358.

thing to do, under the words of the Lausanne Treaty, was to make a boundary. In accepting jurisdiction Britain and Turkey, the latter reluctantly, recognized this authority in the League. To most of us it will perhaps seem that the right of Turkey to the Vilayet ought to have been a determining fact in the boundary argument. We shall see how little part it played in the ultimate decision.

The additional area now became a scene of an irritating contest. During the war most of its inhabitants had fled but they returned after the armistice. After the Lausanne Treaty was signed Turkey sent troops there to punish, as she said, some Nestorian bandits. Great Britain held that this action violated the *status quo*, although the area was not in the region protected by her frontier line of the Vilayet of Mosul. Turkish troops remained in this additional area and in September, 1924, British airmen attacked them, killing several and wounding a number more. Turkey protested "in the most formal manner before the world and to the League of Nations against the attacks of which our soldiers were the victims on September 14th within our territory." She added that Great Britain was "trying to create a 'fait accompli' " with an eye on Turkish territory. The British authorities in the East exhibited equal indignation at the action of the Turks in sending troops into the additional area, and the British *chargé d'affaires* in Constantinople peremptorily demanded that the Turkish troops be withdrawn from the additional area in two days. Thus each side furiously charged the other with wrong.

The British defence of the attack on the Turkish

troops was as follows: "The British authorities, assuming that these forces were composed of irresponsible tribal elements, and apprehensive that their action if unchecked would result in serious trouble amongst the border tribes, took the necessary steps to drive some of the intruders back across the frontier [*i.e.* the northern boundary of the additional zone] by machine gun fire from the air which caused some casualties." These words do not contradict the Turkish assertion that the air attack on them was without warning. To a mere observer at a distance it would seem that such an air attack on a suspected force without parley or a demand to surrender was reckless, to say the least. The Turks looked on it as wanton and violent. A month later there was another air attack. Feeling on the border grew warm. Turks began to appear in raids south of the northern boundary of the Vilayet of Mosul and British airplanes reconnoitred over undisputed Turkish territory.[1]

The situation was now tense. Neither nation wanted war at a time when recuperation was the most essential thing for both; but neither would give in before the threat of attack. The League, whose Commission to investigate the situation had not reported, held a hasty meeting in Brussels, October 27, and got the opposing sides to agree to the "Brussels Line," a compromise to be in force until the Commission reported and thus this phase of the dispute was temporarily adjusted.[2] The "Brussels Line" was 150 kilometres (100 miles) north of the line of the Armistice of Murdos, 1918.

[1] *League of Nations, Documents*, C. 603, 1924, VII, pp. 1–9, 16.
[2] *Minutes of the Council*, 31st Session, pp. 1648–1654, 1659–1662.

3. *Work of the Iraq Commission*

The Commission on the Iraq-Turco frontier was appointed early in November, 1924, and consisted of M. Wiersén, of Sweden, President, Count Teleki, of Hungary, and Colonel Paulis, of Belgium. It met in Geneva on November 13 for organization. It requested each side to appoint an assessor with expert assistants and interpreters to accompany its investigations. It went first to London where it took the views of the British government and then to Angora where it heard the story of the Turkish Republic. In each case it took pains to impress on the contestants the fact that its task was to report a practicable frontier line somewhere between the most extreme claims of each side. Leaving Angora it went to Baghdad by way of Damascus and was received there with honors by King Feisal, of Iraq. Thence it went to the Vilayet of Mosul, to all parts of which it penetrated by automobile, on horseback, on foot and by airplanes. The members took freely the opinions of all classes of people and observed the economic and social conditions in the region.

In Baghdad an incident occurred which threatened to break up its work. Two of the members appointed by Turkey were natives of the Vilayet of Mosul, men who had been so active there in the Turkish cause that they had found it advisable to leave the country, and against one of them an indictment was pending. These men were separated from the party and lodged in some barracks outside the town wall surrounded by barbed wire. The reason given by the British High Commis-

sioner was that they were so unpopular that the authorities could not be responsible for their safety if they were allowed to go freely around Baghdad. At the same time they were clever propagandists and it was admitted that they were isolated lest they should stir up the people in behalf of Turkey. The Commissioners were highly indignant and demanded that the two men should be brought into the town. The demand was obeyed, but the victims were forced to keep their quarters as long as they were in the capital. The Commissioners thought Turkey had done wrong to appoint such men to go with the Commission but once appointed they gave them all the privilege their position demanded. In the Vilayet of Mosul the two men were allowed to go freely among the people.[1]

In Mosul trouble of the same kind awaited them. Count Teleki and two of his associates, with the Turkish Assessor in a Turkish uniform, set out for a walk in town. As soon as the people saw the Turkish uniform a shout was raised, "Long live Turkey." A crowd gathered as the group proceeded until they numbered 200 persons. The police tried to disperse it, using their sticks freely and arresting those who did not disperse. One man in the crowd was pursued into a shop and belabored until a Commissioner intervened and ordered the policeman to stop in the name of the League of Nations. The Assessor was acclaimed wherever he was

[1] The above account and what follows on this investigation are taken from the Report of the Commission. Thomas Spring Rice in writing to the Secretary-General, August 24, 1925, gave a part of the British explanation of the Mosul incident, saying that "twelve persons were arrested for planning an armed pro-Turkish demonstration. He added that feeling ran high in Mosul and many Christian families were leaving for Baghdad. The Report of the Commissioners, which seems fair, does not support these views. The letter cited is found in *League of Nations Documents*, C. 464. M. 174, 1925, VII, p. 2.

met. A group of students encountered at the Town Hall had staged a counter demonstration. It was reported to the Commissions later that many of those demonstrating for Turkey were arrested. The town of Mosul was generally Turkish in sympathy.

Next morning the local British administrator and the native mayor called on the Commissioners and said that in order to protect them it would be necessary to establish police supervision of their movements. They asked that the Turkish assessor should not go abroad in his uniform and that "no political manœuvre likely to disturb public order should be attempted by the Turkish delegates."

The Commissioners were highly outraged by these demands and laid down an ultimatum. They would go about "without visible police protection," they would take no step in carrying through their business until assured that the Turkish delegates had full protection, and they demanded that the Turkish assessor be given every opportunity to see his witnesses and bring them before the Commission. After some other discussion it was agreed that the Turkish assessor would accept responsibility for himself and his assistants and on this basis he proceeded with his labors, and without inconvenience.[1] The position of the authorities was, in fact, absurd. A man whose appearance elicited only applause was not in danger for his life.

Shortly afterwards the British High Commissioner in Iraq arrived in Mosul and appeared before the Commission. It was reported, he said, that armed pro-Turk

[1] *Report of the Commission of the Iraq-Turco Frontier*, p. 7. It was published by the League.

escorts would accompany the Commissioners and he added that if such a thing happened, the police would arrest the escorts. He added that some of the natives employed by the Commission as interpreters were perhaps more than interpreters. The President of the Commission replied with a countercharge. "The police," he observed, "had not so far dispersed any demonstration in favor of Iraq and had not used their discretionary powers impartially, but that they had given the impression that certain demonstrations which the Commissioner had witnessed were tolerated—perhaps, indeed, encouraged—by the police." [1]

We are not told what the High Commissioner replied to this, but he went on to observe that the form of inquiry being used "threatened seriously the authority of the British and Iraq Governments throughout the disputed area": it gave the impression that evidence was sought against this government, and thus it lessened its prestige. He suggested, in all seriousness, that the opinions of the people might be taken through the local authorities. He admitted that he regretted the excesses of the police and added that this force "was still in a process of organization."

None of these arguments moved the Commissioners and he came to another, which he mentioned with much hesitancy. He had heard that the Commission intended to separate and visit various parts of the Vilayet. He thought the plan improper, since some of the Commissioners might be prejudiced and it was the intention of the Council to have from them a balanced judgment in all things. He hinted that his Government might

[1] *Report of the Commission of the Iraq-Turco Frontier*, pp. 8–11.

make a divided inquiry the ground of an appeal against the report of the Commission. The Commission had adopted their methods because they permitted a more thorough investigation in the time allowed them. If they had remained together they would have learned less of the country, or have taken so much time that the effect of their efforts would have been diminished.

The President of the Commission replied very energetically to this advice. The Council, he said, by a unanimous vote had given the Commission power to adopt its own procedure and it was too late for bringing up a criticism of the vote of the Council. To reopen the question at this time would have the most serious consequences.

Thus ended the interview. If the High Commissioner had expected to influence the action of the Commission he was undeceived; and he went back to Baghdad a wiser man. From the time of his futile interference the investigations proceeded quietly, the popular demonstrations ceased, and witnesses for each side came and went without fear or excitement. The visits to the various towns were speedily made, and on March 18 the members of the party reassembled at Mosul with their notebooks in hand. A few days later they left Mosul by the old Trade Route and the ancient town of Damascus. On April 20 they assembled at Geneva and proceeded to write a report for the use of the Council.

4. *The Report of the Iraq Commission*

It will be remembered that it was the Council that was empowered to decide the boundary line between

Turkey and Iraq. The task of the Commission was to report the facts on which the decision should be based. This report, which was completed in the summer of 1925, contained much information about the Vilayet of Mosul, with conclusions on various points related to the subject. The main points brought out were as follows:

1. The national sovereignty of the Vilayet belonged to Turkey, and must remain with her until she renounced it. Britain had established no right to it by conquest and not having had such a right she could not transfer the province to Iraq. It was for the Council to decide whether or not the case was to be determined on the basis of sovereignty.

2. If the Council decided the matter on the ground of what was best for the future of the Vilayet of Mosul, it would first be necessary to know whether or not Great Britain would continue to have her mandate over Iraq. If it were continued it would be better for the Vilayet to go to Iraq; for the future of the country would be better under British than under Turkish direction. If Great Britain did not continue to hold the mandate, it would be better for the Vilayet to go to Turkey. Without British control, said the Commission, Iraq would fall into disorder and be in a state greatly inferior to Turkey's.

3. As to boundaries, if the Vilayet went to Turkey it was not important how these were fixed on the north and northeast; but on the south they should not interfere with the Valley of the Diala River, since it was the water source for the proposed irrigation system around Baghdad. If the Vilayet went to Iraq it was morally right for it to have good strategic frontiers. Since the nations had created the state of Iraq they were morally bound to give it as good frontiers as possible. As for the northern frontier of the Vilayet, supposing that the region went to Iraq, the line claimed by the British was a good natural boundary. But the so-called "Brussels Line," fixed by the Council at Brussels October 29, 1924, was equally good. There were several lines of hills or mountains further southward that would make good natural frontiers. The Commission did not advise that the Vilayet be divided; but if the Council thought that course necessary it was suggested that the best dividing line would be the Little Zab River. The opinion of the Commission favored the "Brussels Line" above all others.

4. Taking the Vilayet as a whole the majority of the inhabitants seemed to prefer to belong to Iraq under a British mandate. It was believed that the mandate should last twenty-five years unless Iraq was admitted to the League within that period. If such a disposition were made of the region attention should be paid to the wishes of the Kurds, who were a majority of the people, Kurdish officials should govern locally in the Kurdish sections wtih the Kurdish language recognized officially and in the schools. In whatever arrangement was made steps should be taken to protect minorities in the Vilayet and to guarantee to Turkey and Persia proper trading rights into and out of the Vilayet.

5. The Commission advised against the settlement of the dispute by a plebiscite: they did not think the people were ready to make a choice intelligently, nor was it possible to hold a plebiscite impartially, without incurring prohibitive expenses for sending neutral forces into the country. The people would not be ready for self-determination for a generation.[1]

The report of the Commission was handed to the Secretary-General on July 16, 1925 and was laid before the Council September 3 following. Mr. Amery, Colonial Secretary, was present to defend the British contention and Tewfik Rouschdy Bey spoke for Turkey, the discussion passing back and forth through six sessions of the Council. Meanwhile, the report of the Commission was put into the hands of a committee of three members of the Council to report what action should be taken on it.[2]

5. *The Arguments before the Council*

The discussion was opened by Mr. Amery, who reviewed the report of the Commission. For most of its

[1] For these points see *ibid.* pp. 86–90 in which the "Conclusions of the Commission" are given.

[2] This discussion was carried on in the 3rd, 4th, 5th, 6th, 14th, and 15th meetings of the 35th session of the Council. See *Minutes of the Council*, 35th Session, pp. 1307, 1317, 1328, 1336, 1377, and 1383.

findings he expressed approval. Its most significant point, the acceptance by Great Britain of the Iraquian mandate for an additional term of years, he met in a complacent way. Great Britain, he said, was prepared to accept the mandate for such a period or for a shorter time, if the League found that Iraq within that period had reached such a stage of development that it could be admitted to the League. Since the Commission had said that the Vilayet would fare better as a part of Iraq, this promise of Great Britain seemed to go a long way towards clearing up the situation.

M. Amery also took up the Commission's opinion that Turkey retained sovereignty over the Mosul Vilayet, since she had not relinquished it, nor lost it by conquest. He replied by appealing to Article 3 of the Lausanne Treaty, which Turkey had signed voluntarily. By that Act, said he, she placed the sovereignty in a way to be transferred, and it only needed a decision of the Council to complete the transfer automatically. The Turk's reply made little of this point, limiting itself for the most part to taking up one by one the various points of the report of the Commission. It was a review *seriatim*.

In making a second speech Mr. Amery seemed to think that the question of sovereignty was a danger point to his side and in need of special attention. As though he felt that he had not yet done it full justice, he said:

"The legal argument, therefore, is not one of the factors which should in one way or another influence the decision. . . . I lay stress on this particular point because it is important and because it has been brought in in a manner which tends to obscure the issue. The issue is: What is the right and proper frontier between the two existing states of Iraq and Turkey? The question of legal

sovereignty, which has remained in suspense since the war, depends entirely upon the settlement of that issue and is not one of the factors affecting the issue itself. Therefore, so far as this Treaty and the reference to the Council is [*sic*] concerned, that issue does not arise."

Mr. Amery spoke as an advocate doing all he could for his client and we can understand why he tried to steer the discussion away from legal sovereignty. But it was absurd to say that it was not proper for the Council to take into consideration Turkey's existing right to the province. It was one thing to declare what would be an ideally good boundary for Iraq: it was quite another to decide that good strategic boundaries should be laid down irrespective of Turkey's rights there. If Tewfik Rouschdy Bey had insisted on his country's rights, recognized in the report of the Commission; if he had appealed to the Council as a body set up to do justice to all nations; and if he had made his speech in full respect to the authority of the Council, it does not seem possible that the Council could have given a verdict absolutely against him.

The crux of the matter on the British side was that Iraq must have natural boundaries; and it was easy to see that to have Turkey in the upper Tigris Valley was a threat to peace. To support her contention Great Britain marshalled a whole covey of arguments of an economic, racial, and social nature. It was her game to keep the contention in this field where it was always possible to say much on each side. Turkey was caught in the snare. She gave only the smallest amount of attention to the fundamental point in her favor and wandered in a maze of small points all bearing on the question of strategic boundaries. Thus the discussion

ran before the Council which heard it patiently and appointed three of its members to formulate draft resolutions embodying its verdict.

The function of such a committee would also be to talk over the subject between the two sides and try to bring them together on the resolutions. In a matter demanding unanimous consent such a course was necessary. What happened in this stage of the case we know not; but it is revealed that Turkey offered to make a compromise by which she should retain the Vilayet of Mosul as a whole, leaving to Iraq the part of the Diala Valley that was necessary for a water supply for Baghdad. The refusal that she met must have convinced her that she was face to face with general defeat. She met it by questioning the jurisdiction of the Council.

6. *The Turks as Obstructionists*

The words of the Lausanne Treaty were perfectly clear. It said that "in the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations." Catching at this phrase Turkey asked how the Council would dispose of it? By an arbitral decree? Or by mediation? When told that it would dispose of it by a vote in which, according to the Covenant, Articles 6 and 7, the parties to the dispute did not vote, she made objection; and she brought forward the following from a statement by Lord Curzon, British Foreign Secretary, in the Lausanne negotiations:

"The Council will have to decide what method of examination to adopt. It may ask the Turks and British for their respective views. It may decide to send a communication to take the views of the Kurds, Turks, Arabs and Christians on the spot; it may hold an inquiry in Europe, or it may appoint a single arbitrator to settle the matter. I do not know what it will do; but my point is that the Turkish delegation will be there just like ourselves, and when the two cases have been stated you will get the most impartial examination which it is possible to secure. Further, Article 5 of the Covenant provides that the decision of the Council, upon which the Turkish Government will be represented, will have to be unanimous, so that no decision can be arrived at without its consent."

Citing this utterance the Turks now said that the assurance of Lord Curzon ought to be taken as a part of their agreement, that they would not have signed the Treaty if they had not understood that in fixing the frontier line they would have the right to vote and that the decision would be by a unanimous vote. It was as though they demanded the right to veto any decision that might be made.

To meet this situation the sub-committee got the President to call a meeting of the Council, which, when it met, September 19, voted to ask the Permanent Court of International Justice to give advisory opinions on the points raised by the Turks. The points were: (*a*) Is the decision the Council is called upon to make to be considered as "an arbitral award, a recommendation, or a simple reward?" and (*b*) Should the vote about to be taken be unanimous, or a mere majority? The Council adopted the suggestion and the questions were despatched immediately to the Hague. The British agreed to this step but regretted the delay it would involve, and the Turks announced that they stood on the

word of Lord Curzon and saw no reason to refer anything to the Permanent Court.

About this time reports of fresh disorders began to arrive from the Iraquian frontier, each side claiming that the other was the aggressor. There can be no doubt that Turkey was removing families in the region north of the Brussels Line, claimed by Britain, and she was charged with sending soldiers south of that line. To see that these raids stopped the Council appointed a representative to reside in the disturbed territory, to use his influence for peace, and to report the truth about occurrences. Iraq gave him a friendly reception, but Turkey, who by this time was almost at the point of defiance, would not have him on her side of the Brussels Line, holding that it was not contested territory. His presence at Mosul, however, seems to have had its effects; for after he arrived there peace reigned in the region of the late disorders until the dispute was finally settled.[1]

The Permanent Court began its consideration of the two questions referred to it by asking each contestant to appear and explain his case. Great Britain complied, but Turkey refused to appear in person and sent a protest in which she said that the matter at issue was political and not cognizable by the Permanent Court. The Court, however, took no notice of the protest but reached its decision, which it delivered on November 21, 1925. It held that the Treaty of Lausanne empowered the Council to fix the Turco-Iraq boundary, that its decision would be binding upon the parties, and that the

[1] *Minutes of the Council*, 35th Session, pp. 1309, 1383, 1386, 1404, 37th Session, pp. 145, 193, 302, 305.

vote must be unanimous, the parties in interest being allowed to vote on it but their votes not being counted.[1]

7. *The Judgment*

December 8 the Council took up the matter again with the opinion of the Court before it. Munir Bey was representing Turkey at this time. Three men served Turkey in the conduct of this business. Fethi Bey opened it and consented, but unwillingly, to recognize the jurisdiction of the Council, Tewfik Rouschdy Bey, who discovered the speech of Lord Curzon which he used to break the force of that acceptance, and Munir Bey who, now defying the Permanent Court, openly disputed the right of the Council to do anything more than hold a court of mediation. When it came to the voting he asked that the parties in interest should be allowed to vote, that their votes should be counted, and that a unanimous vote should be required. All his requests were denied. When the Council took up a motion to accept the decision of the Permanent Court he voted in the negative and all the other votes were against him. It was a tense Council meeting and the members were glad to adjourn for the relief of taut nerves.[2]

December 16, 1925, the Council assembled for the last act in the Iraq dispute. Turkey was not there; but her representatives sent a note explaining that they were not authorized to take part in any procedure based

[1] *Publications of the Permanent Court of International Justice, Series B, Advisory Opinion,* No. 12, See also *Minutes of the Council,* 37 Session, pp. 121–129.

[2] *Minutes of the Council,* 37th Session, pp. 120–129.

on the theory that the Council could finally dispose of the case without giving Turkey the right of veto. The *Rapporteur,* M. Unden, presented the report on the dispute and closed it by moving the adoption of four resolutions. They provided that the Council should (*a*) adopt the "Brussels Line" as the permanent northern boundary of Iraq;[1] (*b*) recognize Great Britain's extension of her mandate for twenty-five years; (*c*) see that Iraq took measures to give the Kurds the privileges in local government and in the schools recommended in the report of the Commission; and (*d*) invite Iraq to accept the suggestions of the Commission for establishing harmony and equal protection between Turkey and herself. For the execution of these provisions Great Britain, the mandatory, was to pledge her best efforts.[2]

After the decision was voted and the resolutions had been unanimously accepted, Sir Austen Chamberlain, speaking for Great Britain, promised hearty co-operation in carrying these conditions into operation. He said that his country did not wish "to take up a rigid and uncompromising attitude towards Turkey." He added that he would gladly enter into conversations with Turkey "in order to see whether, while taking a due account of the Council's decision, it may not be possible to render the relations between the two countries easier and safer."[3] This speech indicated the existence of a spirit which under Sir Austen's guidance was able to lead to the conclusion of a treaty between Great Britain and Turkey on June 2, 1926, one feature

[1] Later on it was slightly modified by consent of Iraq and Turkey.
[2] *Minutes of the Council,* 37th Session, pp. 187–193.
[3] *Ibid.,* p. 193.

of which was Turkey's recognition of the boundary line of Iraq, and another the confirmation to Turkey of the royalties coming from the operation of the rich petroleum deposits in the bounds of the Mosul Vilayet.[1]

[1] On February 18, 1926, Great Britain completed a treaty with Iraq rendered necessary by her renewal of the mandate. In closing the debate on it in the House of Commons, Sir Austen Chamberlain said: "It had been suggested that the Government had been actuated in this question by the desire to secure the oil of Iraq. Were the party opposite," he asked, "actuated by that desire when they undertook to defend the interests and rights of Iraq and contended for the same frontier as we have contended for? Why is the oil well up when we are in office (*Laughter*) and only when we are in office? (*Laughter*) Never was there a more palpable untruth. (*Ministerial cheers*) I was approached by the Turkish representative with a proposition in the month of March last year—a proposition to settle this question apart from the League of Nations. What was the basis of the proposition? That Turkey should have so much as she desired of the Vilayet of Mosul. That is one side and the other side was that a British company approved by his Majesty's Government should have the exploitation of all the oil. . . . The reply of his Majesty's Government was that they were trustees for Iraq, that they were not possessors but mandatories (*cheers*) and that as mandatories and trustees they could not bargain away the lives and interests of Iraq and her people in exchange for concessions." (London *Times*, February 1926, p. 10.) In this debate the Opposition had freely charged that the willingness of the Government to continue the Iraq mandate was due to the discovery that the Iraquian oil deposits were very profitable.

CHAPTER XIV

GERMANY JOINS THE LEAGUE

1. *The Application for Membership*

THE acceptance of the Locarno Treaty and Conventions produced a violent political disruption in the Reichstag, and although the battle was won by combining a part of the Government's ordinary support with most of the Opposition, it left the Government itself at variance with the majority of the Nationalists on whom it relied for its ordinary majority. Politically its position was weak and it felt impelled to place its resignation in the hands of President Hindenburg who, asking the existing ministers to serve for the time, postponed the formation of a new cabinet until after the Christmas and New Year's holidays. It was, therefore, not until the latter part of January, 1926, that a new Government was in office.[1]

One of its first acts was to prepare the note of application for Germany's admission into the League of Nations, and this prospect brought the extreme Nationalists into action. They had introduced a resolu-

[1] The information in this chapter is chiefly from the London *Times*, *passim*. This journal's correspondent in Geneva during the extra session of March, 1926, gave a particularly full account of the trend of events as they appeared to the reporters.

tion into the Reichstag directing the ministry to refuse to make application until certain conditions had been met. One of them, the withdrawal of troops from Cologne, had already been met before the motion was considered; and the withdrawal had been made so quickly that there remained nothing on that point with which the Nationalists could find fault. Another, the demand for the reduction of the occupying forces in the Rhineland, seemed in a fair way to be accomplished. These things robbed the critics of the semblance of logical support and made them stand out in their true nature, mere wielders of party strategy. In fact, there was evidence that the Nationalists themselves were weakening. One of their younger leaders, Herr von Lindeiner-Wildau, formerly a Rhodes scholar at Oxford University, made a speech in defence of his party in which he dropped something of the old rage against the situation in Europe and declared that Germany, in a League of a proper kind, would have in the future to co-operate with her former enemies. It was believed that he would not have spoken thus if he had not been supported in his own party. A few days later the resolutions of the Nationalists were rejected by the Foreign Affairs Committee of the Reichstag, and nothing remained to block the way of the Government in its approach to the League.[1]

February 8, 1926, the Cabinet was in session. To it Stresemann presented the draft of the note to be sent to the League applying for admission. After a brief debate it was accepted unanimously. Contrary to expectations in some parts of Germany, it contained no

[1] London *Times*, February 1, p. 12, and February 4, p. 12, 1926.

conditions, but was a brief expression of a desire to join the League. Along with it, however, as an annex, was a copy of the note signed by the Allied States at Locarno referring to the interpretation of Article 16 of the Covenant. It expressed the signers' purpose that in any future joint action to carry out the obligations of the League, Germany's part should be in keeping with her military strength and her geographical situation. December 9 the German consul in Geneva notified Sir Eric Drummond, Secretary-General, to expect Germany's note of application on the following day. Sir Eric immediately called a meeting of the Council for February 12. Thus the matter passed out of German hands and remained entirely in the hands of the League itself.

When the German cabinet adopted the note of February 8 it also issued a statement justifying the step taken.

> "It is of vital importance," it said, "that Germany should obtain a permanent seat in the Council of the League. The possibilities that open up for Germany cannot be measured by the past actions of the League, which have given just cause for complaint in Germany. While it would be a mistake to entertain too high hopes of what can be obtained, at least Germany will be consulted and will vote upon all the more important affairs that come within the competence of the League."

This statement also reminded the public that in the League Germany would be able to use her influence for "the revision of treaties out of date, the world's peace, general disarmament, and so forth." [1]

It was a remarkable utterance. Here stood the Ger-

[1] London *Times*, February 9, 1926, p. 14.

man nation, its middle and lower classes definitely in control of the political machinery, expressing a purposeful desire for world peace and general disarmament; and this was the Germany to whom for centuries the cult of the sword had been a religion. In the background stood the Nationalists, disarmed but irreconcilable—the surviving ranks of the militarists associated with a vast number of men and women whose hot spirits quivered in response to the notes of national glory and national revenge. The men who now led, Herr Stresemann and his supporters, had spent time, strength, and spirit in building up their influence. None knew better than these leaders how many difficulties were behind and how many perils were before them.

Nor was the League of Nations entirely clear of the German reproach. It had been organized and conducted by governments into whose hearts the war hatred had burned deeply. It had received commissions from the Versailles Treaty carrying out duties closely connected with the penalties imposed on the defeated party. It had never been able to clear itself entirely from Poincarism, until Poincarism had demonstrated its own weakness by its record in the Ruhr. Its power could not go higher than its source, which was the cabinets that appointed its members; and in these cabinets there worked also the spirits of fear for the future and distrust of the present.

There was one unseen conqueror behind this scene; public opinion. The temporary overthrow of Poincarism in France and conservatism in Great Britain was a significant triumph for public opinion. The combination of socialists and the bourgeois group in the

Centre in Germany's foreign policy, parties utterly unlike in domestic policies, was another triumph in Germany. Everywhere it worked, so that hard-fisted foreign secretaries, who once gloried in their lack of ideals, had to bow before it. It was public opinion that led Germany to the door of the League of Nations and public opinion that made Sir Austen Chamberlain and M. Aristide Briand swing it open so that she might come in.

2. *The Permanent Seats in the Council*

Unfortunately the two door-keepers made a mistake that for a time threatened to upset all they had done at Locarno, with the result that the world saw some tragic days. The Geneva dispatch announcing that the Council was called to meet February 12 also said that the session would call a special meeting of the Assembly, probably for March 8, to consider only two matters, the admission of Germany and the report of the architects on a League Building. It also predicted that the nations represented on the Council would not send their important representatives but merely direct the attendance of their diplomatic agents at Berne. When the Council assembled to carry out the duties expected of them the agents at Berne did, in fact, constitute all the members except two. But from Spain came M. Quiñones de Leon and from Brazil came M. de Mello-Franco, both of them men of wide experience in League affairs and quite able by reason of their capacity to give the proceedings such a turn as they desired. Why did

these two states put forth their most important representatives on an occasion that was purely formal? The answer seems to be that they had an important project in mind.

From the beginning Spain had desired a seat in the Council. Her power did not entitle her to such recognition, but her pride as a state of ancient renown and the fact that so many of the member states had once been Spanish colonies and spoke the Spanish language seemed to her to justify her hope. She had asked for such a seat in 1921 but did not press the claim when it was known that Brazil would veto it. As the largest American state in the League Brazil believed she should have a permanent seat. In this early effort to obtain the prize she sought, Spain got a promise of British support, which the British government of 1926 felt obliged to respect.

The agreement made at Locarno, 1925, that Germany should have a permanent seat gave Spain and Brazil an opportunity they quickly embraced. They determined to vote against the proposal unless they also got permanent seats, which would mean, if carried through, seven permanent seats. As both states now had non-permanent seats they could if they chose, hold up the German vote in the Council. When, therefore, the special Council meeting of February 12 called the special assembly for March 8, 1926, one of the items on the *agenda* of the meeting was the consideration of the enlargement of the Council under Article 4 of the Covenant. This was an item not foreseen by the newspaper prophets.

3. *The Outburst of Public Opinion*

News of what was coming soon got abroad and excited much comment. Then came the announcement that Poland also would demand a permanent seat and in a few days it was known that France was supporting her. Comment now became more strenuous than ever. The situation began to approach absurdity when it was announced in time that Czechoslovakia, China and Persia also claimed permanent seats.

Then it came to public knowledge that on January 28, 1926, Sir Austen Chamberlain, passing through Paris, had talked with Briand on the subject, that Briand had said he was for Poland, and that Chamberlain had admitted that Great Britain was pledged to Spain. The public concluded that these two men, therefore, were in some kind of an agreement, made secretly before the Council and Assembly were to meet, to determine their action in the matter. Charged with such a course in Great Britain Chamberlain denied that he had promised Briand any help as regards Poland but had said to him that he could do nothing on that subject without consulting his government. These things revealed in the new organization a state of bargaining and intrigue that created profound disgust. For a moment it was believed that the League, all rosy with the spirit of Locarno, had slipped back into the old spirit of the Concert of Europe. There was a violent outburst of public opinion and the press of two hemispheres lamented or jeered as it liked or disliked the League.

In Great Britain there was a general outbreak of disappointment and the sharpest things were said about

the course of Sir Austen Chamberlain in the matter. Of the many public arguments against adding four to the permanent seats one of the most comprehensive was from Mr. H. A. L. Fisher, Warden of New College. He made the following objections to the proposals, always recognizing, as others recognized, the propriety of giving Germany a permanent seat:

1. To enlarge the Council by two or three permanent members would make it more difficult to arrive at unanimous decisions.

2. It would destroy the original idea by which permanent and non-permanent seats were created. In the first class it was intended to range the strong states who would take a major part in bearing the burdens of the League. In the second class were to be the smaller states. This arrangement was logical and ought to be maintained; and to violate it in this case would be a bad precedent for the future.

3. It would destroy the balance between the permanent and non-permanent members, which the Assembly would not relish, or it would be followed by the increase of the non-permanent members which would lessen the efficiency of the Council.

4. The admission of Poland to the League would create in it an anti-German *bloc*. Poland's claim that she needed a seat to protect herself was not well founded, for she had always had full protection in the Council in the past.[1]

Viscount Grey of Falloden wrote in endorsement of these views and Lord Phillimore and Mr. George N. Barnes also protested against the proposed enlargement of the Council. The *Rand Daily Mail*, of Johannesburg, delivered a sharp rebuke to Sir Austen Chamberlain for the part he was supposed to have taken. It said:

"If he is to become the centre of intrigue or the occasion of squabbling among the nations, or if countries such as Italy and

[1] London *Times*, February 12, 1926, p. 13.

Germany are to start quarrelling, South Africa and the other Dominions will, it is certain, re-consider the whole question of belonging to the League. Nor could they be justly blamed. It cannot be expected that they shall involve themselves in disputes of the kind now agitating." [1]

Perhaps this expression of feeling, so natural in a remote and provincial state, did Sir Austen Chamberlain an injustice. He is not to be charged with conducting an intrigue. He found before him a difficult situation and he, with the support of Briand, tried to adjust it in a manner which in his unimaginative way he thought a proper step in practical statecraft.

In Germany, where these plans were unknown until they were well advanced, and then revealed by accident, this announcement caused great disappointment; and Stresemann found himself overwhelmed by the reproaches of the Nationalists. With reference to membership in the Council his own conduct had been correct. As soon as he decided to apply for membership in the League he had approached all the nations represented in the Council to learn their views about a permanent seat. From the replies he understood that no objection would be made. Brazil, however, while professing a desire to see Germany in the League, said that the assignment of a permanent seat was a matter for the Council to decide. Stresemann, not knowing her earlier views on this point, did not construe her reference to a permanent seat as a condition and proceeded with his plans, believing that no objection would be made.

When the February revelations were made public the

[1] Quoted in the London *Times*, Feb. 15, 1926, p. 12.

German press declared there had been a breach of good faith. They pointed out that the influence Germany had expected to have in the Council was to be diminished by the new seats, and they declared that the idea of having Poland as a counterpoise to Germany was in violation of the "Spirit of Locarno." It made matters worse that the two men most conspicuous at Locarno—Chamberlain and Briand—now appeared as the most prominent supporters of this ungenerous project. Stresemann did not hesitate to say that if he had known at Locarno of the plans held in reserve he would not have accepted the Locarno agreements. He let it be known that Germany would not join at all if she did not get a permanent Council seat with its significance undiminished by similar gifts to other states. This assurance had a quieting effect in Germany—on all but the extreme Nationalists, who continued to oppose Germany's entrance into the League.

4. *Preparing for Geneva*

As March 8 approached the situation became strenuous. Spain and Brazil relaxed their pretensions no whit, and Poland's was pressed forward with all of Briand's skill. Little attention was paid to the other pretenders, but they did not withdraw their requests. Then came the announcement that Sweden would vote against giving Poland a permanent seat. Shortly afterwards it was announced that Norway and Holland would take the same stand. It was an effective action, especially as Sweden had a seat in the Council. Another straw indicating a change of wind was the action of M. Vander-

velde in announcing, in the Belgian chambers, that the Council ought not to be increased at that time except by the admission of Germany. These were indications of public opinion forming in the pressure of a crisis.

In France there was also a change. While the admission of Poland was defended as much as ever it was no longer on the original ground of a counterpoise to Germany. The point now stressed was that France at present was the defender of Poland in the Council: if Poland had a seat of her own she would be left to defend herself and France would be relieved of what had, in fact, become at times a duty little relished. And it was pointed out that if Poland had to undergo the give-and-take process of Council adjustments the rigidity of her spirit would be softened. About this time Italy took a stand. She had just fallen into a violent little quarrel with Germany over the situation in the South Tirol. As her anger over that incident was beginning to go down she let it be known that she would stand for Poland. Japan was neutral, but she said that she would vote with the majority.

In Great Britain the political opponents of Sir Austen Chamberlain pressed him hard, and there was good reason to think that a portion of the Cabinet were privately against his course. He defended himself in and out of Parliament as well as he could. The public despite his denials would not believe that he had given Briand no assurances about Poland, and Lloyd George said in the House of Commons that Briand was quite shrewd enough to know Chamberlain's intentions after talking with him, whatever Chamberlain may or may not have said.

March 1 there was a meeting of the League of Nations Parliamentary Committee, attended by most of the members of the House of Commons. The affair was secret but an official statement of the proceedings was given out. In this private meeting the Foreign Secretary described his conversation with Briand more fully than he had described it in a public speech, and he asked for a proper latitude in the negotiations he would have to conduct in Geneva. The overwhelming sentiment of the Committee was against enlarging the Council beyond a permanent seat for Germany.

Addressing this Committee did not quiet the dispute and March 4 the Prime Minister took it into the House of Commons. Again Sir Austen explained what he had done, again he said that the British support of Spain went back to previous administrations, and it came out later in the debate that it began under Lloyd George himself. Sir Austen renewed his plea that he might go to Geneva with a free hand. He announced that he had just received and accepted a request from Germany that the Locarno Powers might confer at Geneva before the Assembly met in order to see if some agreement might not be reached. Lloyd George and Ramsay MacDonald spoke in reply. They first tried in vain to get Sir Austen to say whether he would, or would not, vote for the proposed enlargement of the Council. The debate ended in a motion carried by the Government in support of the Foreign Secretary on party lines. For all that, when he went to Geneva he had instructions in his pocket written by the Cabinet.

A moment's reflection showed that the Council had drifted into a condition not expected when the League

was founded. It contained ten members, four permanent and six non-permanent. In actual practice three of the non-permanent seats were as good as permanent; for Belgium, Spain and Brazil had held them from the beginning, and there was nothing to indicate that they would not be continually re-elected. It remained therefore that there were only three seats out of whose election could be satisfied the desire for a shifting representation from all parts of the world. During the five and a half years the League had existed only five states had held these three seats. The states to whom the honor of holding such a seat might go would have to wait long under these conditions, for their times of service to come around. In 1921 the Assembly had passed an amendment to the Covenant giving itself the power to fix the terms of office of the Council members and the condition of their re-eligibility, and it was well-known that if it was ratified the Assembly would adopt measures leading to rotation in office. Ratification, however, had failed so far, because France and Spain would not act on it. France held off because she wished Belgium in the Council, on whose support she could usually rely, and Spain because she did not mean to lose the seat she had. It was evident that nothing short of a severe shaking up would change this state of affairs.

5. *The Locarno Junta*

Sir Austen Chamberlain arrived in Geneva in time to hold the meeting of the Locarno Powers to which he had alluded in the House of Commons on March 4. As chief figure at Locarno he had established his prestige as

one who adjusts conflicting claims, and he hoped to do the same thing here, making a compromise which could be reported in the Council and formally approved. In attempting to settle the matter in an extra-League group he ran the risk of offending Brazil, Spain, and Sweden, all of whom were represented in the Council, to say nothing of the general League group as a whole, whose arena of expression was the Assembly.

The Assembly was to meet on March 8. The first meeting of the Locarno Junta was on March 5, and the place was the hotel in which the British delegation had its headquarters. Here was the centre of the efforts at compromise. From it went out messengers to one or another of the parties concerned, bringing back replies for the further consideration of the Junta.

The positions taken by the various contestants were as follows: the Germans would not oppose any reforms the Council and Assembly wished to make in the future, but they would not come in with any agreement by which another power was to have a permanent seat at the same time. Briand was thoroughly committed to Poland and would agree to no arrangement by which she was not to have a seat, permanent or non-permanent. Brazil was as unyielding as ever. Recalling the condition in her reply to Germany during the preceding autumn she now declared that she would not vote for a permanent seat to Germany unless she also obtained one. Spain, admitting her promise to Germany, said she would not vote against Germany's hopes, but she added that if she herself did not get a permanent seat also, she would withdraw from the League. Sir Austen announced that Great Britain would stand by Germany, but he tried

hard to get Stresemann to accept some plan that would satisfy Poland. To this advance Stresemann replied that Germany stood on principle and would not bargain.

M. Unden, of Sweden, remained quietly in his hotel. He was instructed to oppose Poland's demand as contrary to the spirit of the League, and he never wavered in adhering to his instructions. One suggestion after another was taken to him: he rejected them all. Pressure was brought to bear on him, but he resisted it. One country threatened to annul a contract it had made to buy Swedish made telephones unless he yielded: he did not budge. Spain threatened to denounce a commercial treaty she had with Sweden: it availed nothing. In the Junta circle Unden was pronounced narrow and stubborn, but he paid no heed. A newspaper correspondent described him as "the least active and the most effective of the men holding the centre of the stage at Geneva."

As this process was fairly begun Briand suddenly found himself out of office. The financial policy of his colleagues was attacked and after a bitter but brief struggle he was out-voted. The event came on March 6 as he was about to leave Paris for Geneva. He acted quickly. He was Foreign Secretary until his successor was appointed and hurried off to Geneva by the night train. Throughout Sunday he put things into shape in Geneva and took the night train to Paris, where his opponents had not been able to form a Cabinet. The President of the Republic asked him to try to form another ministry and in two days he was able to report success. With his ninth cabinet in office he appeared

again in Geneva where no final agreement had been made in the efforts to arrive at a solution of the League's vexed problem. While he was gone Poland lost heavily and for a time it seemed that a settlement would be made to her cost. The news that he was coming back changed everything, the friends of Poland rallied, and the struggle became more vigorous than ever.

A week of this kind of existence told on the nerves of everybody in Geneva, except those of M. Unden and Luther and Stresemann, who stood for Germany. Sir Austen Chamberlain's habitual self-confidence broke when Germany rejected a plan by which she would get her desire with the understanding that a new non-permanent seat would be created to be filled in the following September. Such a thinly disguised bargain did not appeal to the German sense of directness and Sir Austen gave up the task of leading mediator. He had tried to succeed on the Locarno plan, everybody to give up something and good will at last. But nobody would give up his essential aim, neither M. Briand, nor M. Unden, nor Herr Stresemann, nor the representatives of Poland, Spain and Brazil. Sir Austen ended his eight-day negotiation in disgust, saying the problem would have to go to the Council—where it should have gone at first.

Geneva was full of newspaper writers, report having it that one hundred of them came from Germany alone. Every morning they laid before the world the story of the confusion and futility of the proceedings at the headquarters of the Junta. One of them, writing on the second day of the gathering, said that if the situation could be described in race-track language it would be that the betting on this "Permanent-Seat Handicap is

odds on Germany, 2 to 1 against Spain, 11 to 2 against Poland, 100 to 8 against Brazil, 50 to 1 each against Belgium and Czechoslovakia, 100 to 1 against China, and Persia is a rank outsider." After watching the brewing confusion for four days the same correspondent wrote:

"This lamentable spectacle of intrigue and indecision, if it is not quickly checked, must produce a feeling that the League, instead of being an instrument of conciliation, merely provides one more bone of contention in Europe";

and in utter disgust with some of the actors before him he added:

"Some Continental diplomatists appear to regard politics as a game in which bluff, cajolery, mis-statement, and threats are simply lawful strategy." [1]

6. *Sweden's Sacrifice*

M. Briand now took the lead in the negotiations. Indeed, many shrewd men maintain that he had held that position discreetly all the time. The second week of the gathering was beginning and there was every reason for him to hasten. Public opinion was becoming impatient, particularly in Great Britain, and affairs in Paris called loudly for his return. He made an assault on Sweden appealing to M. Unden's love of the League. The things happening in Geneva led people to say that the League was going to blow up, and the idea that the League was in imminent danger served M. Briand's purpose; for it made the "purely League" men willing to give up something.

[1] London *Times*, March 8, 1926, p. 14 and March 12, 1926, p. 14.

In previous discussion in the Locarno Junta the idea was broached of having one of the non-permanent states withdraw in favor of Poland. Briand now got Germany to agree to the idea. Stresemann said that he stood for no increase of the Council as Germany came in but he would not consider the proposed plan as an increase. The next question was, which state should make the sacrifice. Belgium was the most logical victim; for she had sat from the beginning, nearly always supporting French designs. Her withdrawal, however, would not suit M. Briand, for it would mean the putting of one French power into the place of another. Probably he would have accepted it under dire necessity; but it did not become necessary. Under great pressure Sweden weakened. It was announced that she would retire and give place to Poland. The news brought an outburst of admiration for the wonderful man who had fought his fight and made the sacrifice. Reflection showed that the plan would leave France in a very strong position; for the Council would now contain three states bound to her by treaties—Belgium, Czechoslovakia, and Poland. Then the news about Dr. Unden was somewhat modified. It ran that Sweden would withdraw if one of the pro-French states would also resign, and if in the vacancies created were placed Poland, a pro-French state, and one neutral, and Holland was suggested. M. Briand could not object without admitting a desire to bolster up French influence. Sweden's offer was followed by similar offers from Belgium and Czechoslovakia. In the end it was the second of the two that was allowed to go. Her withdrawal was much regretted partly because it deprived the Council of the

services of M. Benes, one of its most valuable members, and partly because through it the Council lost its representative from the Little Entente. The net result was that Poland was to have the non-permanent seat of Czechoslovakia and Holland that of Sweden, provided the Assembly ratified the agreement in due time with the necessary elections.

The Polish phase of the situation was thus cleared up. But Spain had not changed her position. She still said she would not vote against Germany's admission but would withdraw if Germany got a permanent seat and she got none. Many people thought she would not carry out the threat, but they consoled themselves with the thought that it would be better to have a League of Nations with Germany and no Spain in it than to have one with Spain and no Germany in it.

The leaders now began to think about Brazil also. It is not to be doubted that she and Spain, holding honorable places in the Council, had been offended through being set aside while the Locarno group tried to have a settlement with Poland. If the matter had been taken up in the Council, where it belonged by the Covenant, this impression might have been avoided. At least it would have been anticipated. When Sir Austen Chamberlain and M. Briand turned to Senhor Mello-Franco to know what he would do they were shown his instructions from Rio de Janeiro, saying that the Brazilian delegate was to vote against a permanent seat for Germany, that the decision was irrevocable, and that he was to make no request for its modification. Since the vote of the Council had to be unanimous, it was evident to all that the Polish solution, achieved with so much ef-

fort, was rendered valueless so far as the main settlement was concerned.

Under the circumstances the leaders were forced to confess defeat. They decided to report failure to the Assembly and to ask that the solution of the difficulty be postponed to the regular meeting of that body in September. They were afraid that the failure to admit Germany might cause a revulsion of German feelings and undo all the work brought to perfection by Luther and Stresemann. To prevent this result the Locarno Powers issued a statement declaring that they considered Germany morally speaking a member of the League and in the same sense the Locarno treaty and conventions of binding force. Luther and Stresemann were not offended, understanding that the feeling in Geneva was all in Germany's favor. During the negotiations they had received many unofficial letters and telegrams urging them to return to Berlin but they disregarded them. Their conduct, it was generally agreed, had been reasonable and dignified.

7. *A Chastened Assembly*

The Assembly met March 17 at 10 o'clock.[1] Extensive arrangements had been made for broadcasting its speeches. They were not needed. When the admission of Germany was called up Sir Austen Chamberlain, *Rapporteur* on that subject, announced that he yielded to Senhor Mello-Franco. A small, thin-faced, aristocratic-looking man mounted the tribune, his figure tense, his hands, in which he held a paper,

[1] See *The Minutes of the Extra Session of the Assembly*, March 8 to 17, 1926 in the regular series and also in *Official Journal, Special Supplement*, No. 42.

trembling visibly. It was not a very clearly expressed statement that he made but it sufficed. The most important thing in it was the close, shouted in a voice unnatural through its emphasis. It said that Brazil's decision was irrevocable. Next to it one places an allusion whose import was marked by all.

"We must not forget," he said, "that it is the admirable work of Locarno that must be brought into the framework of the League of Nations and not the League which should be brought into the framework of Locarno."

When he sat down, Sir Austen rose again. The Committee of which he was Chairman, he said, and for which he reported, recommended that Germany's application go over until the September Assembly.

Then M. Briand mounted the tribune and in moving some resolutions intended to reassure Germany made a characteristic speech. No man had been more responsible than he for the situation which had been created in Geneva. He could have dissipated it at any moment by giving up Poland's admission at that time. He spoke as though the League spirit had descended on him from heaven. He was a little illogical at times; for one moment he exclaimed:

"The League of Nations is born of an idea, lofty indeed, yet, it must be owned, somewhat narrow."

Again he said:

"We must go down to the fundamental principles upon which the League was originally based."

He did not try to make these two statements agree. He was on his feet to create an atmosphere and he suc-

ceeded with the more emotional portion of the Assembly. M. Motta, of Switzerland, was one of them.

"If there is one glowing record of this Assembly," he gurgled, forgetting that the only other thing done was to consider plans for a building, "which will remain, if there is one gesture the memory of which will be graven on our hearts, it is that of M. Aristide Briand, who on this occasion truly deserves to be hailed as wise and just."

There were, however, a few members whose desire to be pleased did not carry them off their feet. Viscount Ishii had announced that he would ask the Council to appoint a Committee to report to the September Council and Assembly on the constitution of the Council. Dr. Nansen, of Norway, gave the idea his approval and said the Committee should be impartial. He also said that "in the crisis just passed the machinery of the League did not even begin to work: no use has been made of it. What has happened is that there have been private conversations. There has been no meeting of the Council and no meeting of the Assembly to discuss the question. No record at all has been kept for the future of what happened in Geneva in March, 1926. . . . The method of the League cannot be blamed. We who have worked in the League for many years know its methods and know them to be efficient and good, and we hope that recent happenings will not damage too much what has been built up in the past years." Mr. Loudon, of the Netherlands, in referring to the proposed committee, said:

"We ask that there shall be entire freedom from political consideration, that the Assembly and not the Council alone shall

be largely represented, and, I repeat, that the *amour propre* of individual states shall not be allowed to play a dominant part."

The Chinese delegates supported these sentiments.

March 18 the Council created a Committee on the Constitution of the Council, composed of one member named by each of the ten states represented in the Council and of one each from Argentina, China, Germany, Poland, and Switzerland. It was to have its first meeting on May 10 and to make its final report in September following, bringing in, if it chose, majority and minority reports. Thus ended the stormy and futile first attempt to extend the membership of the Council along the old European principle of the Concert of the Great Powers.

In the unhappy course of these events in March, 1926, we see exemplified the effects of the disproportionate pretensions of the Great Powers in the League. If Sir Austen Chamberlain and M. Briand, instead of trying to carry things through by means of the Locarno Powers, had taken the difficulties into the Council and the Assembly, threshing them out in the full light of day, Brazil would not have had the excuse that she was the victim of an extra-League Junta, and they would have brought to bear on her and Spain a larger and, therefore, a stronger organizational opinion, with a better chance of moving them in the end. Both of these men knew that by the Covenant the admission to the Council of non-permanent members and the creation of permanent seats belonged to the Council and the Assembly. They ignored the Covenant in trying to do the work in their own way.

8. *Reforming the Council*

The Committee on the composition of the Council met on May 10 in Geneva and sat until May 17 debating all phases of the question.[1] Its members manifested more of the "pure League" spirit than many of the representatives at the recent Geneva meeting were willing to admit was in existence. In fact, one reads the narrative of its debates with the feeling that the recent meeting was a kind of "brain storm" of cabinet-made origin which got out of control for a while but died down as soon as it had exploded. The Committee seemed determined on restoring power to the non-permanent part of the Council.

The first step was to elect M. Motta, of Switzerland, the Chairman. The "pure League" members comprised such men as Lord Robert Cecil and M. Paul Boncour, of France. On the other hand, Count Scialoja, Italy, a member of the Council, announced himself as a believer in the equality of the states in the League with all the theory implied, the position held so tenaciously by Salandra in the Corfu affair. On the equality of the states he was supported by Belgium, although in some other points that nation took the side of the moderates.

After a long discussion the Committee prepared draft resolutions by which the non-permanent members were to be nine, each serving for three years and one-third chosen each year. It thus aimed to break up the prac-

[1] The Report of the Committee is published separately for all the proceedings up to the June Council. For the additional part of its report, submitted to the Council Sept. 4, 1926, see the *Minutes of the Council*, 41st Session, 1926, pp. 1240–1242, 1357.

tice of re-electing members indefinitely. Some members of the Committee thought the number nine too large and Count Scialoja thought that it was as large as the Council should ever be, so that if a new permanent member was chosen the number of non-permanent should be eight.

M. Paul Boncour pointed out that originally the Council and the Assembly had stood one over against the other but there had been an evolution. He recalled that in 1922 Balfour and Léon Bourgeois had united in increasing the non-permanent members from four to six, a majority of the Council. That action, he said, "brought to an end the separation of the two bodies." Since that time there had been "an increasing desire that the Council should become more and more an emanation from the Assembly," which in itself continually became a more and more striking expression of opinion on the part of democracy throughout the world."

Then came the passage of the long deferred amendment giving the Assembly the right to fix the method of electing the non-permanent members and to prescribe conditions of re-eligibility. Under the influence of the March explosion France, seeing that it was useless to hold back longer for the sake of keeping Belgium in the Council, gave in and ratified the amendment. Spain's avowed reason for waiting was her desire to keep her non-permanent seat. Under the circumstances she gave way in June, so that a part of the work of the Committee, perhaps the most difficult, was obviated by having the amendment of 1922 become operative at last. The net result of these events, the work of the

Committee and the break-up of Spain's resistance, was to give the Assembly control by annual elections of 9 of the 14 seats in the Council with the design of keeping that body under a considerable degree of Assembly control, and that is what M. Boncour and others meant when they spoke of democracy in the League.

The Council received the draft report of the Committee on the Composition of the Council on June 10. It was not acted upon at that time, but its appearance brought Spain and Brazil, with whose seats the report was concerned, to take decisive steps. The Spanish representative spoke first. Spain, he said, had refused to ratify the amendment to Article 4 of the Covenant because she wished to be a non-permanent member of the Council until she could become a permanent member. As this reward could no longer be expected he was instructed to say that she would ratify the amendment. The members of the Council expressed their gratification of this assurance, refusing to see the darker implication that might lie beneath it; and then the French representative took the opportunity to say that France had also ratified the amendment to Article 4.

These things came up in the morning meeting of June 10. In the afternoon meeting the Spanish representative—it was not Quiñones de Leon, beloved of all the Council,—made occasion to refer to the subject again and added that he was instructed to say that his government was unable to accept a "classification which would place Spain among the second rank of Powers." There could be no doubt as to the meaning of this phrase and it was followed by speeches from the members of the Council deprecating Spain's possible resignation and

hoping that the suggestion would not be carried out. Then Mello-Franco spoke, presenting a long note from Brazil resigning her seat in the Council and giving notice that she would withdraw from the League in accordance with Article 1 of the Covenant. Then there came forth another series of speeches of regret and deprecation.[1]

The moment was solemn, especially for that lonely old nation, the possessor of so high an ancient glory which her rulers had not for many years known how to sustain by the deeds of the present. In 1898 a brief and inglorious war had revealed her military weakness; her industry was backward, and her population of 21,000,000 did not give her the right to call herself a Great Power. But her spirit was high, her honor was great, and she had been a sound and active friend of the League of Nations. Genuine sorrow filled the Council as Spain, with the greatest reluctance, bowed her head and left the room rather than sit in the lower seats.

There was enough indecision in the attitude of Spain to warrant the hope that she might not take the final step of resignation, and with that end in view the Committee on the Composition of the Council postponed its next meeting, the intention being to give Spain as much time as possible to escape the sense of disappointment that overwhelmed her. August 30 a meeting could be postponed no longer; for the Assembly was at hand and longer delay was impossible. The Committee adopted a report of which the substance was as follows:

"The non-permanent members of the Council shall be increased to nine and elected for terms of three years each. They shall take

[1] *Minutes of the Council*, 40th Session, 1926, pp. 870, 881, 882, 817–892, 1003–1007.

office imediately after election and one-third shall be elected each year. A retiring member may not be re-elected for three years except by a two-thirds vote of the Assembly, and the number of such re-elected members shall not exceed three at one time."

This was for the permanent rule. To meet the existing situation it was recommended that the whole nine should be elected in 1926, one-third for one year, one-third for two years, and one-third for three years. The Committee declared itself against giving Spain a permanent seat, only China standing for Spain. It further said, as a matter of opinion, that in making up the Council consideration should be given to geographical conditions, that the Latin-American states ought to have three seats, and "adequate representation" should be given to Asia." [1]

This report was adopted by the Council and referred to the Assembly.

9. *The Seventh Assembly*

The seventh Assembly met September 6 and quickly went through the process of organization. September 8 it took up Germany's application for membership in the League and passed it by a unanimous vote. Next it took up the report of the Committee on the Composition of the Council in which the award of a permanent Council seat to Germany was coupled with the increase of the non-permanent seats to nine. Some states would have been glad to separate these two questions. While they were fully in favor of the first they were opposed to the second, especially since the with-

[1] *Minutes of the Council*, 41st Session, 1926, pp. 1240–1242, 1357.

drawal of Spain and Brazil seemed to make an increase of the non-permanent seats unnecessary. But they were urged to let the compromise stand as it was; for the prospect of nine seats had raised the hopes of certain small states and there was a danger that if the matter was opened again some of these states would vote to delay action on a seat for Germany with the result that the whole subject would be postponed. On this basis the dissenting states agreed to keep quiet and this feature of the report received a unanimous adoption. Thus ended this much-discussed question.

In Berlin the situation was calm. The German delegation had been selected, Stresemann at the head, and as soon as it was known that the Assembly of the League had taken favorable action the delegation set out for Geneva. German public opinion was complacent, all parties accepting the situation. It was taken as a turning point in Germany, putting behind a long period of international strife and looking forward to an era of co-operation with the nations that had been Germany's enemies. It was also taken as a step which gave a new assurance of strength to the German Republic.

For the time the French press softened their suspicions of Germany's motives. While it did not show enthusiasm, it showed a disposition to wait and see what the results would be. The *Temps* said that France ought not to look for a "spontaneous and miraculous reconciliation of all peoples," but on the other hand she ought not to fear "to try an experiment which ought to be made if it is sincerely desired to consolidate peace." [1]

[1] London *Times*, Sept. 9, 1926, p. 11.

September 10, 1926, the Assembly met at 10.30 A.M. the business being the admission of the German delegates. Report says that only three seats in the large hall were vacant: they were reserved for the German delegates. The Chairman of the Committee on Credentials rose to report the credentials of the Germans in proper form. Then followed a stir among the crowd of attendants and visitors at the door as Herr Stresemann and his two associates pushed through and walked down the aisle smiling in acknowledgment of the applause of the audience. After a brief welcome by the President Stresemann mounted the tribune and read a speech in which he lauded the aims of the League and pledged the loyalty of Germany.

"It cannot be the purpose of the Divine world order," he said, "that men should direct their supreme national energies against one another, thus ever thrusting back the general progress of civilization. . . . The co-operation of the peoples in the League of Nations must and will lead to just solutions for the moral questions which arise in the conscience of the peoples. The most durable foundation of peace is a policy inspired by mutual understanding and mutual respect betwen nation and nation."

He was followed by M. Briand who spoke in his happiest vein.

"Peace for Germany and for France," he exclaimed: "that means that we have done with the long series of terrible and sanguinary conflicts which have stained the pages of history. We have done with the black veils of mourning for sufferings that can never be appeased, done with war, done with brutal and sanguinary methods of settling our disputes. True, differences between us still exist, but henceforth it will be for the judge to declare the law. Just as individual citizens take their difficulties to be settled by a magistrate, so shall we bring ours to be settled by pacific procedure. Away with rifles, machine-guns, cannon! Clear the way for conciliation, arbitration, peace."

These two speeches, made in the true League spirit, electrified the audience and sent thrills through the world.[1]

After the admission of Germany events moved quickly to clear up the dark situation of the preceding March. September 11 Spain presented a note saying that as another nation, Germany, had been given a permanent seat before her, she would resign from the League and thereby gave formal notice that she would withdraw in two years, in accordance with the method provided in the Covenant.

The Assembly took up and passed the plan for remodelling the Council as outlined by the Committee and approved by the Council, adding to it the provision that the Assembly might, where it saw fit, overthrow the entire composition of the non-permanent members. It then proceeded to the elections, selecting for three-year terms Chile, Poland and Rumania; for two-year terms, China, Colombia, and Holland; and for one-year terms, Belgium, Czechoslovakia and Salvador. Then Poland by a vote of 36 out of 49 was given the right of re-eligibility.

The elections caused much disgust in Geneva and out of it. In the first place assigning three seats to America had led to agreements among the Latin-American states so that practically the filling of those places was taken out of the hands of the Assembly as a whole and left to bargaining among the Americans. Another result was that four of the states, Poland, Czechoslovakia, Rumania and Belgium were bound to France by special ties. Much disappointment was felt also with the selec-

[1] *Record of the 7th Session of the Assembly* for Sept. 10, 1926.

tion of China, whose state of internal confusion and long arrears in the payment of her League dues raised a question as to the propriety of keeping her in the League at all. With her and Japan in the Council it came about that two out of the five Asiatic members of the League sat in the Council, which was a high proportion. Worst of all was the tendency of selecting the Council members on the basis of their individual desires rather than on the basis of League welfare. Prince Arfa, whose country, Persia, had failed to get a seat, summed up the situation in a witticism. He said the League was now composed of four ranks of society: the aristocracy, that is, the Big Powers; the nobility, or the non-permanent Council members with the right of re-eligibility; the *bourgeoisie*, or the ordinary non-permanent members; and the proletariat, or the states not on the Council.[1]

It is, in fact, not impossible that in these things may lie an important League development. With fourteen out of forty-nine states on the Council, and among them the strongest, will the states left have the initiative and the leadership to preserve the Assembly as a vigorous counter-check to the Council? The answer seems to lie in a fundamental human trait, the unwillingness of a majority composed of small persons—democracy,—to be dominated by a smaller group; and it does not take much leadership and courage to refuse to accord a re-election.

Another question of a similar import is the position the Great Powers are likely to take in the new Council. In the old they usually controlled it by creating a spirit

[1] London *Times*, Sept. 9, 1926, p. 12.

of solidarity, keeping down as much as possible particular interests, and striving to make the decisions rest on the good of all. It was by departing from this method that affairs became so much confused in March, 1926. If it is followed in the future the Big Powers can maintain a large influence. If, however, they try to maintain themselves as an outside junta the Council will lose much prestige. The rule of a unanimous vote, which does so much to lessen sharp feelings, tends also to make men reasonable. It is a strong factor in the future development of the League.

10. *The Spirit of Thoiry*

One other incident connected with this notable Assembly is to be recorded. September 17 Briand and Stresemann went off from Geneva to Thoiry, a little French town in the Jura foot-hills where there was a good restaurant, had luncheon, and talked four hours in an amiable way about the points of difference that still had to be smoothed out between their two countries. In a purely personal way they came into agreement, and undertook to exert themselves to that effect on their respective governments. They could, of course, do nothing official without consulting their governments. Behind the two men were high walls of nationalistic sentiment that must be broken down before conciliation could come. At Thoiry and at previous meetings Briand and Stresemann had discovered and come to trust and like one another.

The conference of Briand and Stresemann at Thoiry produced results that came to a head during the De-

cember, 1926, session of the Council. While it sat, considering strictly League matters, the representatives of the Allied States considered arrangements for the recall of French troops from the Rhineland and the surrender to the League of the supervision of the further execution of the Versailles Treaty, which had been left to the Inter-allied Commission in Berlin.

Meanwhile the Conference of Ambassadors sitting in Paris, received reports from Allied military authorities to determine if Germany had complied with the military terms of the Treaty. The military men objected to repairs recently made by Germany on the Eastern fortresses of Königsberg, Kustrin, and Glogau as against the Treaty. They also objected to the exportation by Germany of half-finished war materials, which, in an emergency, could be re-imported and put into a condition for use. Over these points the negotiations hung fire until December 12, when an agreement was reached by which the authority of the League should succeed that of the Inter-allied Commission on February 1, 1927. If the two points in dispute were then still unsettled the League Council was to refer them to an arbitration tribunal. It resulted that direct negotiations removed all objections by February 1, 1927, and this irritating survival of *post bellum* differences seemed to become a thing of the past.[1]

These negotiations did not come before the Council, but they were carried on in its presence and under the influence of its spirit. The doubt that hung over them raised great interest in League Circles and in the large

[1] Since the above sentence was written unexpected hitches have occurred and the solution is still incomplete.—J.B.S.

number of persons drawn together by the Council meetings. On Saturday of this week they seemed to hang by a thread. In Paris a shiver of doubt passed through government circles, lest M. Briand was yielding too much to the spirit of Geneva. The Conference of Ambassadors and the Military men shared this feeling and M. Poincaré, head of the Government, became alarmed. The impression gained strength that the Foreign Secretary found himself seriously interfered with by his government, while Briand expressed his impatience by exclaiming to a newspaper correspondent: "Thus it is that I am impeded! If the Council of Ministers will not allow me to conclude the negotiations, I will take my train, as I did at Cannes in 1922." Happily he found the freedom he desired but not until he had exchanged earnest messages with the head of the French Government. In all his efforts to bring about good feeling between France and Germany under the League of Nations Briand has shown himself able, persistent, and sincere.

One of the striking features of this session of the Council was the announcement in the Council of the award of the Nobel Peace Prize jointly to Briand, Chamberlain, and Stresemann for their work at Locarno. It was followed by speeches from the recipients, and in Stresemann's were these words:

"I have not had, as Mr. Chamberlain, the good fortune to have a people behind me. On the contrary I have encountered great difficulties. You will understand what the road travelled has meant in sacrifice and self-denial for the great majority of the German people. Our way to Geneva has been long: it seemed even at times that the climate of Geneva was not as spring-like as that at Locarno; but all progress is followed by reaction and one can be satisfied

when he recalls the difficulties he has surmounted. Great ideas travel their own road and finally achieve victory."

In interviews given on the following day he took occasion to express his sense of the high value of having the Foreign Secretaries of State meet together to talk over problems of good will in the new method of the League of Nations. To the German correspondents he said that perhaps the World War would not have broken out if before it began there had existed this form of personal collaboration and direct contact.[1]

This story of the growth of the League of Nations as a part of the political life of existing nations breaks off somewhat abruptly with the March Council of 1927. In the seven years to which it is confined the great fact is the gradual subsidence of war feelings and the reception of Germany into the institution founded to direct the common desire of the world to achieve such a state of co-operation as will obviate the resort to war as the means of settling international controversies. During this period the League was finding itself, developing its technique, and learning how to do by actually doing. As an agency in international politics its work has been important. The historian must tell about its successes and its failures, its progress and its limitations: the reader will balance the account.

[1] *Journal de Genève*, December 13, 1926.

CHAPTER XV

THE UNITED STATES AND THE LEAGUE OF NATIONS

1. *Fearsome Aloofness*

IT IS not necessary to discuss here the reasons why the United States refused to join the League of Nations. It is enough to remember that at the beginning of the Harding Administration, March 4, 1921, an effective majority of the people had voted that the United States should not join the League and were hostile to it as an organization. They had a badly defined fear that if care was not taken, clever European politicians might succeed in drawing the United States into some kind of association with the League which would lead to membership, a feeling that was to some extent stimulated by the assertion of League supporters that eventually, through the very nature of international relations, membership would become inevitable. Under the influence of this fear the Washington Government manifested an opposition to the League that was shown by no other non-member nation, except Soviet Russia. This opposition appeared in its extreme form in the failure to reply to communications, a point to which not even Russia went. The course of the United States in this respect was beyond that adopted

by them toward any other *de facto* organization of government, however small the territory in which it sought to exercise authority.

A story told by an authentic witness illustrates the extent to which this state of aloofness was carried. A United States minister accredited to a European government happened to be in Geneva in the early months of the League's existence. Walking one morning with an American, an official at the Secretariat, he discovered that the official had a certain document which he wished to see. "How can I get it?" he asked. "Come into my office and read it," was the reply. "But I cannot do that," he answered, "someone will see me and my action will be misunderstood." And so it happened that he stood on the sidewalk while the document in question was brought out to him. When he had read it through he remarked that the document had an Annex and he wanted to see that also. So again he waited on the sidewalk until the Annex was brought to him. The most striking thing about this incident is the amount of wise prudence displayed by this minister. It was not improbable that if a report had circulated in Washington that he was frequenting the Secretariat in Geneva it would have been used to his disadvantage by his opponents at home.

Fear of being drawn into the League and other motives led the State Department to ignore letters from the League. Sometimes such a letter would be answered in a round about way. More frequently it would be filed without an answer. Now the success of the League's non-political activity usually demands attempts to get the co-operation of all nations. Conferences are held

to prepare conventions which are submitted to the states for ratification. Also, under Article 18 of the Covenant many treaties are filed with the League, not to be in force until registered there, and it became necessary to inform the nations of the world of these registrations. It was in carrying on this and more important business that the Secretary-General felt it necessary to send communications to the United States and other countries. All other nations acknowledged their receipt as a matter of courtesy.

In the early days of the League's efforts the State Department showed that it did not desire to receive such communications. The United States Ambassador in London was, therefore, instructed to inform the League's authorities that as the United States had not joined the League they were not in a position to answer letters from it and that they would prefer to take up matters growing out of the war with the individual states concerned. June 30, 1921, the United States Consul in Geneva called on the Secretary-General and said that his Government had received recently two letters from the Secretariat of the League and that he was instructed to say "verbally and unofficially," that "inasmuch as the American Government has no relations with the League of Nations there will be no reply to them."

This state of affairs was not likely to remain unknown to the public and it came to the notice of Mr. Edwin L. James, Paris Correspondent of the New York *Times*, and in a report from his caustic pen that paper set it forth to the public on July 18, 1921. It was widely commented on to the disadvantage of the Secretary of

State and brought forth various efforts to defend him, one of which was that the League dispatches were received and filed by a clerk in the Department unknown to the Secretary of State. Soon after this controversy broke forth in the United States the Secretary had all the letters from the League assembled and caused answers to be sent to those he thought important enough. Late in September the Secretary-General received in one envelope fourteen notes from the Department of State, ten of them dated August 1, and one each on August 15th, 18th, 26th and 29th. The notes to which they replied were dated from February to August, 1921.[1]

In time the Department of State had to devise a method of communicating with the League. The Secretary-General usually addressed his letters to the Secretary of State in the first person, as the executive of one government writing to the executive of another. In reply the Department usually sent unsigned notes in the third person through the United States legation in Berne or the Consul at Geneva.[2] This method of indirect communication was that used by the Department in communicating with foreign institutions and the Department insisted that no discourtesy was to be under-

[1] N. Y. *Times*, July 18, 19, 20, 21; August 4; September 30; and October 1 and 3, 1924.

[2] The form in which the early notes of the Department of State to the League are cast may be seen in the following note which is typical:

"The Secretary of State of the United States of America has received the communication dated June 18, 1921, by which the Secretary General of the League of Nations informs the Government of the United States of the deposit with the Secretariat of the League of Nations on June 13 of the instrument of ratification by Denmark of the Protocol of Signature, concerning the Statute of the Permanent Court of International Justice.

"Note has been taken of this information for any purpose of relevancy to the United States as a State not a member of the League of Nations.

"Department of State, Washington, August 17, 1921."

stood by its use.[1] It indicated the position of the Department that the League of Nations was only an institution set up within the jurisdiction of Switzerland, and not an organization with powers and prestige comparable to those of a state. No other nation took this attitude in writing to the League. With the progress of more cordial feelings that has recently occurred this process of indirect address has been changed.

2. *The Unofficial Observers*

The League of Nations had been in operation thirteen months when President Wilson relinquished office. During that period he carefully refrained from taking a step to commit his successor to any kind of League policy, the one exception being the appointment of an unofficial representative at the Brussels Financial Conference of 1920, held under League auspices. He might have held that although the United States were outside the League they would have to transact business with it and by following a specific course within this period he could have created precedents which his successor would have found it hard to break. Such a course he would not follow. His position in the matter was made clear when, December 9, 1920, he declined, through Norman H. Davis, Acting-Secretary of State, a request to appoint an unofficial representative to sit "in a consultative capacity" on the Permanent Advisory Committee on Armaments.

[1] But when the Secretary-General sent to the Department a copy of the Geneva Protocol, 1924, the Secretary of State replied over his own signature acknowledging receipt and saying that the Protocol would be considered later. At this time the attitude of the Department was beginning to soften.

"The President of the United States," wrote Mr. Davis, "is deeply interested in this question and is most desirous of co-operating to this end, but as the Government of the United States is not a Member of the League he does not feel justified in appointing a Commission to take even a 'de facto' participation in the deliberations of the Commission acting on behalf of the Council in the execution of provisions in the Covenant of the League of Nations." [1]

It was generally understood that President Wilson took this position, not because he believed that the refusal of the country to join the League implied strict non-co-operation, but that President Harding might have a free hand.

The period of fearsome aloofness that marked the new President's early administration began to give way about a year and a half after his inauguration. The League was doing one thing after another in which the people of the United States were interested. Some of them were attempts which could not succeed without the co-operation of so great a nation as the United States. Public opinion demanded that the Government should not put on these efforts the stigma of its complete indifference. The result was that the United States Government began in 1922 to send "unofficial observers" to League Conferences. The value of such a course consisted chiefly in what it might lead to; for it was not much that an "unofficial observer" could do, conscious as he was that he could not pledge his government at any point and realizing that any agreement drafted by the conference was not likely to be approved. On the other hand, most of these conferences were at that time in a very early period of development and the best

[1] Norman H. Davis to Paul Hymans, President of the Council, Dec. 9, 1920.

anyone could expect of them was that they would give an impetus to the formation of public opinion. In that sense an "unofficial observer" from the United States was a valuable asset.

Probably the earliest concession of the administration on this subject was in connection with the League's work to restrict the Traffic in Women and Children. January 23, 1922, the Administration received from the League a copy of a convention on this subject with a request that it be signed. It replied, March 9, that it could not be signed because most of the matters touched on in the convention were within the jurisdiction of the State rather than the Federal Government. Later, President Harding received a letter dated August 4, 1922, asking him to appoint a United States representative on the League's Advisory Committee on the Traffic in Women and Children; and in passing the request on to the proper official he said:

> "In view of our rejection of the League I do not think it would be consistent to undertake participation on such an Advisory Committee, but I do recognize the very genuine American interest in the problem of suppressing traffic in women and children, and I would be glad to approve of arrangements under which we might have unofficial representation in the conferences which are to be held. If this may be worked out satisfactorily I shall be glad to sanction appropriate appointments."

Following these suggestions a way was found out of the difficulty. October 13 Miss Grace Abbott, Chief of the Children's Bureau, Department of Labor, was appointed "to co-operate in an unofficial and consultative capacity with the Committee at its forthcoming meeting and under reservation of any binding effect

upon the United States of any recommendations which may be made by the Committee." In the same month Dr. Marion Dorsett was appointed an "unofficial observer" on the part of the Government on the Anthrax Committee set up by the International Labor Organization; and November 27 Dr. Rupert Blue, Assistant-Surgeon-General of the United States Health Service, was appointed to attend in the same unofficial capacity the fourth meeting of the Advisory Committee on the Traffic in Opium. With the ice thus broken in the autumn of 1922, similar appointments were made more frequently in 1923, 1924, 1925, and 1926.

In this changing and softening attitude of the Government toward the League the personnel of the United States Legation in Berne played a considerable, but perhaps an unconscious, part. Members of that staff naturally came into contact with the personnel of the Secretariat at Geneva, saw the work that was being done, and understood the League motives. In many cases they received orders to serve as "unofficial observers" in Geneva. Moreover, these men were more European-minded than the men in Washington and less sensitive to the political breezes that blew across the Potomac Flats. It has also happened that through being near to Geneva, where international affairs are nearly always in action, the Berne Legation is one of the best training posts for young men in the United States diplomatic service. The Berne group has begun to have a reaction in the State Department and its import is against the continuation of the old state of aloofness.

An interesting illustration of how indifference was softened before patient reasonableness is seen in the fol-

lowing incident. In 1923 at the suggestion of the Economic Committee the League called a Conference on Customs Formalities and an invitation went to the United States. It was declined on the ground that the government could not "make the customs formalities of the United States the subject of an international convention." It was also pointed out that the customs authorities of the United States could not approve "laying the customs regulations of the United States before the Conference." Then followed consultations between Geneva and Berne, in which misapprehensions were cleared up with the result that at the request of Berne the Customs Conference received from the United States as unofficial observers at the Conference the Consul at Geneva, two experts from the Treasury Department, one from the Commerce Department, and one from the Tariff Commission. They were eager to hear discussed problems that had perplexed them in their own administrative experiences; and in their desire to inspect the customs formalities of other countries they forgot their objection to have their own customs formalities inspected.

3. *Co-operating in Opium Control*

The story of the League's efforts to bring the production and sale of harmful drugs under control is extremely interesting on its own account, but it has the additional interest of serving as the medium through which the United States aloofness was first changed into full official representation. Incidentally the story shows the process by which the League must work in

accomplishing its objects. The attrition of renewed attacks, the slow gains that spring out of many failures, the era of dawning success after many years of efforts —all these are in the story of the League's war on the Opium Traffic. It is the story of rebuff after rebuff, and then at last evidences of yielding to renewed effort. So far as it relates to the United States, it illustrates the drawing of that nation into the fight, willy-nilly.

The modern fight against opium was, in fact, mostly an American fight in its origin. It dates from an International Opium Conference called by the United States at Shanghai in 1909, largely through the efforts of Dr. Hamilton M. Wright, a citizen of the United States. The work done there led to another Conference, at the Hague in 1912, when an International Opium Convention was drawn up. It undertook to limit the sale of opium to such quantities as were needed for scientific and medical purposes and to this end a system of licensing was adopted. Although forty states signed this Convention only fourteen had ratified it when the World War began in 1914. The friends of this Convention got it incorporated in the peace treaties that ended the War, which implied a large number of ratifications, and since then it has been accepted by many States who were neutral during the War. But Persia, Turkey, the Native States of India, and some other opium producing states have not ratified it, and some of the ratifying states have not lived up to their obligations, so that the situation in 1919–1926 was not as good as it seemed on the surface. The Versailles Treaty assigned to the League of Nations the duty of executing the Convention of 1912 together with the

conduct of other measures to effect the general purpose of opium restriction (Covenant, Article 23). Under this grant of power the First Assembly, 1920, created the Advisory Committee on Opium Traffic.

The first work of the Committee was to study actual conditions. It gave two years chiefly to gathering statistics on the production, distribution and use of opium and cocaine. It found the problem of restriction was closely bound up with economic questions and deeply rooted local customs. In India, for example, the opium produced has such a low content of morphia as not to warrant its use in the manufacture of morphine at present prices. Nevertheless the natives use it in a raw state in large quantities. Local authorities could be found to say that its use was harmless, its production gave profitable employment to many people, and from its sale the government derived a large revenue. It was hard, therefore, to make the Indian Government think that restrictions ought to be applied, although it was evident to scientists that the consumption of raw opium had the effect of lowering the physical and mental efficiency of the Indian people.

The Opium Committee contained representatives of the chief opium producing countries. It is the League's way thus to constitute a committee, drawing together representatives of countries most involved and leaving to them the task of working out results that they can all carry out. Naturally such a committee made slow progress, but it was certain; and its debates had the effect of arousing a conscience on the opium question in the countries most concerned. A committee other-

wise constituted might have more easily reached an agreement in a set of resolutions, but its conclusions would have been hard to enforce.

The prominent part taken by the United States against opium before 1914 led to the hope that they would make an exception to their general League policy and co-operate with the Advisory Committee. The Third Assembly, 1922, extended a special invitation to that end and the Council endorsed it. It resulted that the State Department informed the League that Dr. Rupert Blue would attend the January, 1923, meeting of the Advisory Committee in an unofficial capacity. No serious results followed this venture and the State Department sent four representatives to the next meeting of the Committee, May 24 to June 7, 1923, headed by the Hon. Stephen G. Porter, former Chairman of the House Committee on Foreign Affairs. The unexpected and nearly unannounced arrival of so considerable a delegation from a nation that so long had refused to send any at all attracted much attention in Geneva. Its attitude after arrival was even more disturbing to the Committee, whose chief progress so far had been in finding out why it could do nothing.

On his arrival Mr. Porter sent to Secretary-General Drummond the following statement of the "principles" on which his delegation stood:

"1. If the purpose of the Hague Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of the opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise control of the production of raw opium in such a manner that there will be no surplus available for non-medical purposes."

Mr. Porter also said that his delegation would be pleased to have an early opportunity of presenting its views to the Advisory Committee and of explaining to that body what the United States had done to restrict the use of "narcotic drugs subject to the regulation under the Hague Opium Conference." Throughout his stay in Geneva he stood on the Hague Convention, which the United States had signed, seemingly fearing that if he gave it up he would find some kind of a League foundation under his feet. The result was that throughout this session of the Committee he did not act as if he thought his delegation members of the Advisory Committee, unofficially or otherwise, but as a body of co-ordinate rank and authority.

May 25 he and Bishop Charles H. Brent, one of his colleagues, made two speeches before the Committee. The Bishop, whose interest in stamping out narcotic drugs was deep and of long standing, confined himself in the main to the moral evils that inhere in their unrestricted use. The speech of Mr. Porter was a long explanation of what the United States had done to restrict opium, and he referred to the "American Principles," already before the Committee, as instructions from his government. For twelve sittings after these speeches were made the Committee went on with the order of procedure it had been following, taking reports from its various experts and members. When it turned to the task of discussing the United States "principles" Mr. Porter and his colleague acting on motives of delicacy gravely walked out of the room, much to the dismay of the Committee, who wished the benefit of their advice. As they went the Chairman said

that if further explanation was desired the delegates could be found at their hotel.

After debate, the Advisory Committee, not willing to reject the United States proposals outright, passed resolutions adopting them in principle. It was something of a subterfuge, but Mr. Porter did not feel that he could object to it. To this resolution the Committee added reservations intended to permit special conditions in most of the opium producing countries, which undid much that the first part of the resolutions had done. The resolutions also suggested that a new Conference should be called by the League to revise the Convention of 1912. To this suggestion, also, Mr. Porter made no objection, although he said it was beyond his instruction, and he thought his government would send representatives to the proposed Conference. He was also in Geneva during the meeting of the Assembly and took part in the opium discussion of the Fifth Committee.

When the Council and Assembly came to act on the proposal they decided to call not one, but two Conferences. One was to consider the problems of the Far East. In the main it would refer to the conditions about which reservations had been made in the June, 1923, session of the Committee on Opium. It dealt chiefly with the use of "prepared opium," *i.e.* opium for smoking, which was considered the special problem of the Orient. To this Conference the United States were not invited. It was to meet November 3, 1924.

The second Conference was to be general in its composition and it was believed that by meeting two weeks after the first it would take up the general regulation of the traffic after the Oriental nations had adopted

rules suitable to their own special conditions. The United States accepted the invitation to attend this Conference and again placed Mr. Porter at the head of their delegation, adding to it Mrs. Hamilton M. Wright, widow of him who led the first attacks on opium.

The first Conference met November 3 and the second November 17, 1924, as arranged; but in no other respect was the programme carried out as planned. The first Conference could agree on nothing and weeks and months passed in fruitless debate. It was not until February 11, 1925, that it ended its labors, signing a series of weak restrictions on the traffic in "prepared" opium.

In the interval the second Conference was in a state of suspense and confusion. All its progress, according to the original plans, depended on the agreement of the first Conference, held by the eight opium using nations. As week after week passed in inaction it became a question whether this second Conference lived or died. But it managed to exist and ended its labors on February 19, 1925, with a series of proposals to the states for ratification, which were a distinct advance on the Convention of 1912, though not all that the promoters of the meeting had hoped for.

The part played by Mr. Porter and his colleagues in this gathering was most spectacular. He began by offering for adoption a complete draft of a convention designed to supplant the Hague Convention and so written as to ignore the endeavors of the First Conference then in session. It not only referred to the manufacture and distribution of narcotics, including cocaine, but it embodied rules about "prepared" opium,

Against the consideration of this point protests were made, but Mr. Porter persisted and the subject was a bone of contention throughout most of the time of the Conference. After much excitement the proposal was referred to a committee, where it slept peacefully.

Mr. Porter encountered still more opposition when he came to his proposal to consider an annual ten per cent. reduction of the production of "prepared" opium. Again he was opposed on the ground of no jurisdiction. The argument became so vehement that he came to the verge of a bitter personal dispute with Lord Robert Cecil. It was avoided by referring the subject to a joint committee of the two Conferences, but this joint committee could do nothing and so reported. The controversy reached an impasse when Mr. Porter read instructions from his Government directing him to sign no agreement which did not encompass "the suppression of the habit-forming narcotic drug traffic" as embodied in his draft. All the representatives from the Far East were against this step and said so. The result was that on February 6 the United States delegation withdrew suddenly from the Conference and ceased to coöperate, saying their instructions made further service impossible.

The withdrawal of the Americans produced consternation for a moment, but it was followed by a return of the Conference to its work, with the result that it adopted the compromise agreement described above. It brought forth a declaration by M. Loudon, head of the Dutch delegation, that "an international Conference presupposed the possibility of reciprocal concession and of true and real exchanges of opinion, and of good-

will on both sides, and such a conference is doomed to failure if one of the parties has imperative instructions to impose its will upon the others under pain of leaving the Conference."

In this Conference, as in the fifth session of the Advisory Committee, the United States delegation had taken an unyielding position and created needless opposition. It is true that their extreme stand had, no doubt, tended to arouse lukewarm nations to do more for opium control than they would otherwise have done, and thus some of Porter's proposals were adopted. But it seems certain that Mr. Porter could have got all that and perhaps more, if, holding out as stiffly for control as he did hold, he had gone about it in a more co-operative way. If it is said that under his instruction Mr. Porter could not have acted otherwise, it is sufficient to say that he, very probably, could have had his instruction written otherwise. He was head and front of the anti-opium sentiment in official Washington. Within limits he could have had such instructions as he asked for before he left for Geneva. His withdrawal from the Conference was the end of active United States co-operation in the work for opium control.[1] At later meetings

[1] Since February, 1925, the work of the Advisory Committee has been devoted to: (1) efforts to get the Convention and Agreement of the 2nd Conference of that year ratified, with rather discouraging results. In January, 1927, nine states had ratified, in four others ratification was as good as obtained, and in six others prospects for ratification were good. (2) The failure to ratify leaves a vast illicit traffic uncontrolled with the result that the use of narcotics is apparently largely increased, and (3) As the results of an investigation in Persia by a League Committee the Persian Government has agreed to reduce opium 10% a year for three years with the probability of larger reductions in the future. In May, 1927, the newspapers announced that the Government in India had taken steps for the limitation of opium production. These two actions are undoubtedly the results of agitation by the League, much of which seemed futile at the time.

of the Advisory Committee they were represented unofficially by the United States Consul in Geneva.

4. *The Traffic in Arms and Munitions*

September 10, 1919, certain states at St. Germain, near Paris, signed what was called The St. Germain Arms Traffic Convention, the United States being one of them. As ratifications were made slowly the Second Assembly of the League, October 1, 1921, passed resolutions urging haste, and November 21 the Secretary-General, at the direction of the Council, made a direct call by letter on the signatories. After about eight months had passed with no reply from the United States the British chargé in Washington repeated the inquiry personally. This visit put motion into the State Department and July 28, 1922, it wrote to the Secretary-General and a few days later to the British chargé. To the former it said that while the United States sympathized with efforts to restrict the arms traffic it did not approve the terms of the Convention, and it cited the laws of Congress against the export of arms in "times of domestic violence" to American countries and to countries in which the United States exercised extra-territorial jurisdiction. With regard to the latter the Secretary of State explained himself more fully. He said that the St. Germain Convention was not "a provision for a general limitation of armaments" —which had never been claimed for it—but it created a control by the signatory powers of the traffic in arms and munitions, and left the said powers free to meet their own requirements in their own territories and to

supply one another as they saw fit. By accepting its prohibition of the sale of arms to non-signatory States the United States would not be able to sell to nine of the Latin American countries, "however desirable it might be to permit such shipments." He closed by saying:

> "Finally, it may be observed that the provisions of the Convention relating to the League of Nations are so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a member of the League of Nations."

This attitude of one of the world's largest arms-manufacturing nations was critical; for France, Great Britain, and other powers were holding off on the ground that they would ratify if the other arms-producing nations would do the same. The Third Assembly, 1922, took up this question in connection with a proposition for a new Conference dealing with the manufacture of arms. And in that connection they asked that the United States be requested to state more fully their objections to the St. Germain Convention and to set forth proposals they would accept. This request with the approval of the Council, was sent to Secretary Hughes on May 3, 1923.

The reply was sent on September 12, a delay entirely unnecessary, since it was almost *verbatim* the same as the reply to the British chargé of August 5, 1922. It contained, however, one point not in that note. It stated that the adoption of the St. Germain Convention would necessitate legislation to put it into force and added: "This Government is not in a position to undertake to obtain the enactment of such legislation." At this time Secretary Hughes was supposed to be

friendly, in a personal way, to the League of Nations; but it is hard to reconcile that view with the treatment he gave to this subject. The attitude of the Department at the time was characterized by suspicion and fear lest the Government be drawn into some kind of entanglement with this new-fangled League, which at one moment was pronounced dead and at another was treated as if it could work infinite harm to a nation as great as the United States.

After a while the Department began to relax its severity. The establishment of communications between the Swiss Legation and the League was a mitigating circumstance; for the League did not seem so horrid viewed from Berne as from the banks of the Potomac. The agreeable change was partly due to the personal qualities of Messrs. Joseph C. Grew and Hugh S. Gibson, who held successively the post of minister in Berne, and partly to the tact and good natured dignity of Sir Eric Drummond and his assistants in Geneva.

Disarmament was a cardinal point in the programme of the Covenant makers of 1919; and many people thought that steps looking to its adoption should be constant and energetic. We have seen that it was behind the Draft Treaty of Mutual Guarantee, the Draft Treaty of Mutual Assistance, and the Protocol. In the Fourth Assembly, 1923, this subject was being considered; and it was voted to call for a new Convention on the Traffic in Arms and Munitions, to take the place of the St. Germain Convention. The Temporary Mixed Commission for the Reduction of Armaments was instructed to prepare such a draft convention and submit it to the next Assembly. The United States was

specifically invited to appoint a representative to act with the Temporary Mixed Commission.

At the same time that this invitation was sent to the Secretary of State the Secretary-General made certain suggestions informally to the United States minister in Berne, relating to the kind of agent that the Department might appoint. To neither of these suggestions was an answer sent; but two days before the Temporary Commission met, the Minister in Berne, Mr. Grew, informed the Secretary-General that he was authorized to attend the meetings of the Commission and to receive and forward information about the proceedings. He thus kept in close touch with what was done and when he was promoted to another post, his successor, Mr. Gibson, attended in the same capacity. However, when the draft was completed the American representative refused to attend the Assembly Committee to which it was referred for discussion. He considered that course improper, but he said that his Government felt much interest in the general project and if a Conference on Disarmament was called, as the Commission had recommended, the United States would consider favorably an invitation to send representatives. It was in this way that when the proposed Conference met in Geneva, May 4, 1925, a United States delegation, headed by the Hon. T. E. Burton, appeared, not as unofficial observers, but with full powers to negotiate and sign a treaty with the other powers represented to regulate the international traffic in arms, munitions, and the implements of war.

The work of this Conference was to prepare a Convention for approval by the nations. In the debates

the United States delegation took a valuable part, but things were so shaped that the Conference was continually reminded that they were not among its members. In fact, in the United States theory, the Conference did not exist as a body, but as a series of delegations acting together in a treaty-making capacity. Nobody laughed at this serio-comic side of the affair—at least in public. But it led to an embarrassing pause when the Conference was about to write into the Convention a clause providing that all the signatory governments should report to the League the statistics of their armaments. Mr. Burton objected on the ground that to require the United States to report anything to the League would lead the Senate to refuse to ratify the Convention. His statement produced dismay in the Conference, but he held out and the clause was dropped altogether, and the League was left to get the information as it could.

Mr. Burton brought the Conference up in its seats when he asked it to prepare a separate Convention to control poison gas. No delegation had instructions on that subject, but the Conference was disposed to comply with any requests from the United States, now showing a co-operating disposition, and the suggested convention was drafted and submitted to the nations for ratification.

When Mr. Burton returned to Washington, therefore, he took with him two conventions, for one of which he and his delegation were entirely responsible, and to the other of which they had given important aid. He expressed no doubt of their ratification by the Senate before whom they were promptly laid. They lie there

still without action and somewhat covered with the dust of hostility. Nor have they had much better luck elsewhere. France has ratified them, but Great Britain holds off, saying that she will not ratify until the United States ratifies. And here we have an instance of the power of the United States to block the humanitarian policy of the League by having nothing to do with it; for it is evident that as long as one great nation does not restrict the traffic in arms, the other nations will not restrict it either.

December 12, 1925, the Council decided to create a Preparatory Commission for the Disarmament Conference and asked the United States to send a representative. In explaining the proposal to the Secretary of State the Acting President of the Council said:

"As the result of the long and continuous study which it has devoted to this question, the Council is unanimously of the opinion that, owing to the political, economic and technical complexity of the problem which it raises, the question of disarmament can hardly be approached with any certain hope of complete solution unless it is considered in its entirety and with the co-operation of all nations. The matters for examination touch upon all the aspects of the question and affect the interests of all the nations of the world; and the methods and machinery for dealing with them should, in the Council's opinion, be not less universal. On these general grounds, as well as on the more special grounds of the high importance of the United States in such matters, the Council attaches the greatest possible value to the co-operation of the Government of the United States, not only in the Conference which it is its intention to call together, but also in the preparatory work which, in its opinion, is indispensable for the success of that Conference. The Council believes that the time has come for studying the practical possibilities of the reduction and limitation of armaments under the guidance and responsibility of the Governments and expresses the hope that at the moment when all the nations of the world are conscious of a common need, it will be able to count on

the full and direct co-operation of the Government of the United States for a work which so closely concerns the peace of the world."

To this invitation, Secretary Kellogg replied January 30, 1926, directly to the Acting President of the Council, accepting this invitation, and promising to appoint "representatives to sit on the Preparatory Commission"; and there was no reference to "unofficial observers." March 29, 1926, notice of the Constitution of the delegation was sent to Geneva, Mr. Hugh S. Gibson, being the head of the delegation. At that time the Preparatory Commission was to have met on May 18, but the failure to admit Germany in March and the difficulties consequent upon it made it necessary to postpone the meeting.[1]

When it was finally in session, in March, 1927, it had a regular United States delegation, which took full part in the discussions. Of the problems discussed and the suggestions made for dealing with the question of disarmament the United States made themselves interpreters. They contributed to the moderate but real progress made in the Conference, and for the time being the old fearsome aloofness was forgotten. This interesting turn of events received confirmation when it was known that the Conference on the Reduction of Naval Disarmament called by President Coolidge for June 20, 1927, was to meet in Geneva in the large room with glass walls in which the League's Council holds its meetings.

The difference between this incident and the incident

[1] For the proceedings see *Report of Sub-Commission A* (Military, Naval, and Air) *Preparatory for the Disarmament Conference*, C. 739, M. 278, 1926, IX. (C. P. D. 28). Also *ibid. Report of Sub-Commission B*, C. P. D. 29 (C. P. D/C "B"/12). Also *ibid, Preparation for the Conference for the Reduction and Limitation of Armaments*, C. 740. M. 279, 1926. IX. (C. P. D. (b).

mentioned near the beginning of this chapter mark a wide advance in friendly feeling, and is hopeful for those who realize how many of the reforms of the League cannot be accomplished if the United States does not give it a helping hand. But too much ought not to be expected. So far as these events have significance there is nothing in them bearing on the question of whether the United States will join the League. It becomes more and more evident that the League will remain and the States not members will have relations with it. Recent developments indicate that the United States is coming into the friendly state of living side by side with the League, separate but neighborly and willing to co-operate in behalf of human progress.[1]

5. *The Permanent Court and Public Opinion*

The attitude of the United States toward the Permanent Court of International Justice is an important part of this subject. The Protocol and Statute of the Court were sent to President Harding by the League on February 4, 1921, with an invitation to approve it. Their arrival in Washington was acknowledged August 15 by the Department of State on reference from the President. February 24, 1923, President Harding sent the Protocol and Statute to the Senate and recommended their ratification with four accompanying reservations set forth in a letter from Secretary Hughes, as follows:

(1) Ratification should not carry with it any legal obligations to the Covenant.

[1] Since this paragraph was written many things have happened to show an increasing co-operation of the United States with the League.

(2) The United States should participate equally with other States in the election of the judges of the Court.

(3) The United States should pay its fair share in the expenses of the Court; and

(4) The Statute of the Permanent Court should not be altered without the consent of the United States.

The Senate took no action at the time and President Harding died before he could obtain action upon his recommendation.

December 3, 1924, President Coolidge took up this subject in his annual message and urged ratification, but with one additional reservation that the United States should not be bound by an advisory opinion of the Permanent Court unless they themselves had asked for the opinion.

The Senate showed no disposition to act at once on the matter, but January 16, 1926, on further urging by the President it ratified the Protocol and Statute but with reservations entirely unlike those previously proposed. It was now provided that a case involving the United States should not go before the Court unless special or general treaties had been made by the parties concerned for that mode of settlement. Nor should joining the Court be construed as departing from their traditional policy of avoiding entanglements in the political questions of other nations. It was also declared that joining the Court did not impair their "traditional attitude toward purely American questions." [1] The resolutions were sent to the League through the Legation at Berne and to the States that had accepted the Court.

When these reservations were submitted to the

[1] *Official Journal*, 7th Year (1926), No. 4, p. 628.

Council, March 18, 1926, they were given immediate attention and resolutions introduced by Sir Austen Chamberlain were passed. They provided that, inasmuch as the reservations made by the Senate would, if allowed, involve a modification of the rights of other States accepting the Court, a special meeting of delegates of the said States should be called to consider the reservations. In adopting these resolutions the Council expressed the opinion that the exchange of views in such a meeting would probably clear up some important doubts and lead to the framing of a new form of acceptance satisfactory to all.[1] The individual States concerned and the United States were informed of this action.

Beneath the surface an interesting play of forces had been going on. Following their habit of treating the League as a thing unequal to the smallest State and as having no standing in negotiations, the United States had sent their communications to the several states, offering to accept the jurisdiction of the Permanent Court state by state by virtue of separate arrangements. Their letter to the League was only a notice of what was being done. The reply of the Council laid a check to this scheme by proposing to call all the states to a conference to consider the United States proposals. In a quiet way it was a bid of the League to the loyalty of its own members. Would the states accept the dissolving invitation of the United States and take up the matter separately, or would they stand by the League they had found and act through it?

The result was a Conference at Geneva, September

[1] *Official Journal*, 7th Year, (1926), No. 4, p. 536, and No. 5, p. 721.

1 to 23, 1926, attended by forty States, but the United States refused to send representatives. While regretting their absence the Conference came to an agreement on the United States reservation and prepared a protocol which if ratified by the United States and the other States would involve the acceptance of the Court by the one and the reservations as interpreted in this protocol by the others. These steps are interesting as showing the attitude of the League.[1] They were actually useless; for the United States, by refusing to go to Geneva, had indicated their unwillingness to discuss any modification of the Senate reservations. So ended in failure the effort of 1926 to get the United States to accept the Permanent Court of International Justice.

6. *Unofficial Aid to the League*

While not a part of the Government's activity in relations with the League, an important feature of this general story is the work of individual United States citizens in its service performed in purely private capacities. Such calls have been especially made when agents or committee members were demanded for posts where impartiality and tact were needed. For example, all the presidents of the Greek Refugee Settlements Commission have been of this class, Messrs. Henry Morgenthau, Chas. P. Howland, and Chas. B. Eddy. The same feeling suggested the choice of Mr. Norman H. Davis, who with Mr. Arthur Bullard, as an Assistant, served as Chairman of the Committee to settle the affairs of Memel. Others are Mr. George W. Wicker-

[1] *Official Journal*, 7th Year (1926), No. 11, pp. 1505, 1561–1582.

sham on the Committee on the Codification of International Law, Hon. Elihu Root on the Committee of Jurists on the Creation of the Permanent Court, Colonel Wm. Snow, Major Bascom Johnson, and Miss Julia Lathrop on the Committee on the Traffic in Women and the Protection of Children, and Professor Allyn A. Young and Dr. Thomas W. Page on the Preparatory Economic Committee. To give a complete list of the other citizens of the United States who have done similar work in connection with League operations would make a long catalogue.

In addition to these efforts the League has received liberal contributions from the philanthropic foundations in the United States to enable it to carry on its humanitarian work. Up to 1924 the Rockefeller Foundation had voted $500,000 to promote its Health Work; the Social Hygiene Bureau, a United States organization, has given $75,000 to promote the White Slave Inquiry; the American Society of International Law has given $15,000 to support the Treaty Series; the Friends in New York have given $10,000 to Albanian Relief, and the American Red Cross and the Near East Relief have given more than $30,000 to aid the League's work for the Constantinople refugees.

In the meetings of Committees and Conferences attended by United States representatives there has appeared this unexpected tendency, that whereas this nation has shown most unwillingness to commit itself to the League as a general proposition, nevertheless on the specific matter upon which it was willing to co-operate it has shown a desire to go further than any other nation represented in its demands for actual reform. For

example, in the Opium Committee the demand of the United States delegation was for more control than any other state represented was willing to concede. The same tendency was seen in the meetings of the Conference on the Traffic in Arms and Munitions.

Under these circumstances it is interesting to ask ourselves how this nation, with its ingrained tendency to make progress by long leaps, would have succeeded in counsel, if it had come into the League at first. Would it have carried its more sedate colleagues forward more rapidly than they would have been willing to go, or would its abrupt way of demanding the whole reform on the nail have irritated its colleagues until their goodwill and patience were exhausted? I do not mean to answer the question, for I cannot. Nor would I make an argument to show that it was better to throw the League, in the main, on the shoulders of the nations of Europe; for that does not seem entirely true, although something is to be said in its favor.

CHAPTER XVI

AT THE END OF SEVEN YEARS

1. *The League at Work*

AS I begin to write this Chapter, sitting in the Library of the Secretariat in Geneva, the Forty-Fourth Session of the Council sits in an adjoining room, all of whose walls are of glass. If I walk across the library and look through a window I see a body of men speaking with authority for fifty-six nations, representing more than two-thirds of the world's population. I doubt if any man ever before wrote his say about history under such circumstances. The thing I am trying to describe is there in the next room, and the walls are of glass, permitting anyone who passes to look in.

In this room is a table, on the table a blue cloth, and around the table sit fourteen Council members. Behind and around the table are many experts whose services may be demanded at any moment. In front is a large *bloc* of seats filled with newspaper writers, probably 200 in all. Tomorrow morning the things done here today may be read in all the highly civilized cities of the world. These writers represent public opinion, and they form it. Yesterday the highest British delegate

received them at his hotel and talked to them, and to-day they were received by the chief German representative. M. Briand is ill of a cold. Unfortunately he is addicted to colds—at Geneva; and he seems to play his game on the principle that it is not well to be seen too much. But to-day he roused himself enough to give an interview in which he took a shot at the German Nationalists.

At the head of the Council table sits Stresemann, large, bald, fair, and to all appearances a solid old monk out of the garb of his order, if a monk ever does such a thing as dress like other men. On his right sits Briand, with small eyes in a big face, apparently half asleep, but never altogether asleep. He sees and understands without looking. He and Stresemann have given demonstrations of friendship on occasion, whose sincerity we may not doubt; but each must not lose step with public opinion in his own country. On Stresemann's right, next but one, sits Sir Austen Chamberlain, his thin face clothed in an aristocratic mask which a monocle only succeeds in making more impenetrable. Now and then there is a trace of humor in it, but it is usually humor of his own making. Between Stresemann and Sir Austen sits Sir Eric Drummond, the Secretary-General of the League. He is fifty years old but looks younger. His quiet eyes never sleep. They see all that happens, but it is most unusual for him to say anything, and then only to give some necessary information. In an examination of the minutes of all the Council sessions, I do not recall that I have come to a place where he gave an opinion in Council; but he is always there and his presence is most useful. He does not solve international

problems: he only watches their appearance and growth, has information gathered, and enables the Council to solve the problem in its own way.

These things I am writing about the men in the next room when in bursts my friend, a learned University professor from the United States, exclaiming: "This is one of the important days of Europe. They are making history in there!" which, indeed, is true. Cabinets make history every day, only I never heard of their making it before in a glass room with a battalion of newspaper writers before them. My friend bids me come with him. I shake my head. "Man," he says, "you will never see anything like it again! They are making history, I tell you." But I am writing it—I who could never make it: and there are always a hundred men to make history to one who writes it. Let them make it as they will: the records will come to me.

It was certainly, a most interesting moment in the Council's history. The subject was the report of the Saar Governing Commission in which appeared four recommendations, themselves the result of a compromise in the Governing Commission of the Saar.[1] They provided that there should be created an international military force in the Saar for the protection of the railroads and other means of transit, that this force should be formed of trained soldiers but under the authority of a Saar Railroad Commission, that it should not exceed 800 men, and that as soon as it formed the French troops of occupation, whose presence in the Saar for more than six years after the treaty was signed has been resented by the natives, should be immediately withdrawn.

[1] For the situation in the Saar Valley up to this time see above pp. 172–191.

Stresemann objected to these terms in two respects. Realizing that the force would be formed of former French and British soldiers he demanded that the force should be truly "international" and not merely "interallied." He would have been glad if it were recruited in the Saar Valley itself. In the second place he said the number 800 was larger than was needed. On these two points there was a warm debate, and it was this discussion that aroused the apprehension of the men and women who heard it.

It resolved itself into a matter of compromise, Briand standing squarely behind the report of the Governing Commission. It was a curious kind of debate, for principles were not debated. It was only a united appeal for a "compromise." And it was a singular kind of "compromise." Such a process is usually mutual, each side giving up something. In this "compromise" Briand gave up nothing, none of the speakers asked him to give up anything. The whole assumption was that what French opinion demanded it was to have. The whole assault was on Stresemann. Chamberlain, Vandervelde, Scialoja urged him to give up some of the things he had asked for. He said that all he asked for, Germany had a right to expect under the Versailles Treaty. Briand said he would not discuss the legality of the subject: it would take too long. The sum of the speaking was not that Germany asked for what she had no right to demand, but that she ought to take less than she asked for.

As I revise this account two months later with the reports of the proceedings before me, I come upon these words in the Minutes spoken by Chamberlain to Strese-

mann across the manly chest of Sir Eric Drummond, as men might speak in a diplomatic Conference:

"I come now to the specific requests which the representative of Germany has put forward. They are four in number. What is the position at the present time regarding them? Of those four requests, two are granted. That is not a very unsatisfactory compromise to take back to Berlin."

Was Sir Austen ever satisfied when he got only two of the things he thought he should have for his country?

The last of the speakers was Count Scialoja, *Rapporteur* for this matter. He summed up the case and laid it at the feet of the German representative. The whole assemblage waited the decision. Briand, in his sleepy way, looked down at the table, but he was not asleep. Stresemann, awaiting Scialoja's close, sat upright, his head thrown back slightly, looking at the ceiling. And when his turn came he spoke as follows:

"Let me say, in concluding the debate, that the Council appears to be unanimous on the three following points: first, that the troops are to be withdrawn before the end of three months; secondly, that the new organisation will only intervene in quite exceptional cases—and the Council is agreed on this point as well as on the point that the new organisation will be subordinate to the Governing Commission; and thirdly, that the Governing Commission shall reconsider whether it might not be possible to reduce the strength of this force below 800 men. On this point I understand general agreement exists and the decision in this connection will be taken by the Governing Commission itself. If the Rapporteur will formulate a statement instructing the Governing Commission to reconsider this point, it will, I think, be possible for me, in my capacity as German representative, to agree to the report, even though I greatly regret that no settlement is found for a question in which I am more deeply concerned as a member of the League than as representative of Germany.

"As regards the question whether it is better or worse for us Ger-

mans that the troops should be recruited from France or Belgium or Great Britain or from any other country rather than from the natives of the Saar, that is a question which cannot be answered. Blood relationship is very commonly far from being an advantage in private life, and that may possibly be the case in international life also. It is the practical standpoint that causes me to lay great stress on this question; I do so because I foresee the practical difficulties that may arise. The League of Nation, which gives expression to the principle of universality, has to decide in this question. M. Vandervelde's remarks also seem to indicate this.

"I should be extremely sorry if at the first session at which I appeared as President of the Council, no conclusions were reached with regard to a question that is not a personal one. Accordingly if members agree—and I trust that M. Briand too will agree—we may approve the report in this form."

This is the way the "compromise" was made—Germany yielding not quite half of what she had asked for; for of the two points not granted, Stresemann at least got them shaved down a little. Of this "compromise" some features were typical, as for example, the refusal to discuss Germany's plea that an armed French force in the Saar was not warranted in the Versailles Treaty. The method followed in the League Council is apt to be that of the diplomats, who are more interested in coming to a conclusion than in finding a logical basis for the conclusion.

It was said at the time that this affair was most significant because it showed that the League could settle a dispute between two great states. On the surface the statement is correct; but we should look beneath the surface. Germany is a great nation; but in the existing circumstances she was too weak to stand out against the other big states in the League. If she had rejected the report of the Saar Commission and gone away in anger

a large process of conciliation, which she needed essentially, would have been undone. Stresemann must have realized this phase of the case as he sat there on that interesting Saturday looking at the ceiling and waiting for the moment when he would have to take the parole. If he had failed to "compromise" the Entente would have thought that the old German defiance was coming to life again and the French nationalists would have pronounced their worst fears justified. He was too good a politician to ignore these pitfalls.

Briand and Chamberlain probably knew he would have to avoid them; for they understood how the game should be played, being themselves expert players. It was only the public who thought a great act of volition had been performed. It was, nevertheless, an act of the highest importance, for it put a vexatious, though small, problem in the way of final solution, and it brought the foreign ministers of Europe, with the exception of Russia, into a state of conciliation and co-operation on an important point. That was worth a great deal.

While this Council was sitting Herr Stresemann gave an interview to the newspaper writers gathered in Geneva. He was reported as saying:

"The sessions of the Council hardly offer one the substance of a sensation. Their great importance consists in the possibility of withdrawing great questions of debate from consideration by means of written notes and settling them through personal contacts. If we had held meetings of Foreign Secretaries before the war, such as we can now hold through the League of Nations, where personal contacts exist, perhaps we could have avoided the misunderstanding which then troubled the reality of things." [1]

[1] *Journal de Genève*, March 11, 1927.

2. *The Power of the League*

When League projects were being discussed before the Covenant was prepared in 1919 the main question was the *police power.* How were the decisions of the League to be enforced? It is generally said that Clemenceau would have nothing to do with the idea until the League was given enough power to enforce its authority. This power it has on paper to this day. Article 10 on its face is a treaty of universal guarantee.

"The Members of the League," it runs, "undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

The onslaught on this Article in the United States and the bitter feeling that was created led to a tendency to explain away its meaning. But it is useless to deny that it contemplates the protection of the territory and independence of a member state, and the Council is left to decide how it shall be done. In the Protocol, which was a treaty of general guarantees, the same general principle was found, the difference being that Article 10 and other parts of the Covenant gave the Council ample power in deciding on the execution of the Article. In the Protocol the refusal of arbitration was the determining fact for deciding to move against a State, and the Council was only to supervise the execution. In modifying Article 10 the Protocol, therefore, would reduce the power of the Council, and since the Council would be mainly directed by the big States in a case

involving the application of force, the Protocol tended to take away power from the big states in the League. It was one of these states that slew it.

With the Protocol dead Article 10, it would seem, ought to be quite alive. But in truth one of the most dubious points of the League's existence is: How much vigor has Article 10 in actual practice? No one knows how much; and perhaps no one in this stage of the League's progress thinks it wise to make a test in order to find out. When the Corfu case was before the Council there was an opportunity of this kind. In the interest of knowledge it might have been a good thing if the Council had come to a ruling in line with its powers as granted by the Covenant, in order to see to what extent Great Britain and France would have supported the principle of adjustment by the League. But no one was willing to take the risk, least of all Great Britain and France. It hardly seems possible that such a step can be avoided in the long run. It may well be asked to what good is it that the League shall go on avoiding a deciding test, making itself so weak meanwhile that it cannot meet the crisis when it comes?

Is the League a super-state? Probably this means: Has the League power of itself? Has it power in an actual crisis that is not actually in that crisis wielded by the member states acting together as individuals? A state's power is built on the willingness of its subjects to act under its direction. In what conceivable way is the will of the League above the will of constituent states? I think we shall agree that in the Greek-Bulgarian case the will of the League was superior to the will of Greece. But in the Corfu affair nobody

thought it was greater than the will of Italy. Wherein it may seem that the power of the League varies inversely as the power of a possible defying state.

Dr. Rappard in discussing the relation of the League with the nations remarks:

> "The real government of the League is not in Geneva, except during the sessions of the Council and of the Assembly, and even then only in part. The League is in reality governed, not from its seat, but from and by the ministries and parliaments of the States members of the League." [1]

Nevertheless we are not to conclude that the League has no existence apart from its members. It is undoubtedly true that the League is now a loose group of sovereign units, no one of which governs it and each of which has a voice in its control. By the very rule of "corporate integration" in social matters distinct units brought into association begin to develop an entity that is distinct from its parts or from the sum of them. So there is growing up a League entity, distinct from any state in the League and with a life of its own. It is to this new entity that we should look to see what has been the progress of the League in seven years.

And in the beginning we should make up our minds that when the foreign ministers, sitting in the Council, do things, it is not the states doing them but the League. They are the State representatives and their policies may be influenced by State policies. But when they vote a measure as League officials it is League action. Perhaps we shall always be somewhat mystified by this close relation. How should we expect to have an entity sepa-

[1] W. E. Rappard, *International Relations Viewed from Geneva*, p. 161.

rate from the component parts? The fact that the League draws Foreign Secretaries to Geneva, making it so that they must come and sit in the Council meeting, is one indication of the League's power, and the fact that there is business that the League draws into the area of its activity, taking it because that is the thing to do, is another indication of power.

Members of the Council, even Foreign Secretaries, who are usually supposed to be very calculating and nationally selfish, have shown themselves keen friends of the spirit of conciliation. These men spend from thirty to fifty days in each year in Geneva, dealing with problems common to all the States. Perforce, they drop for the time some of their nationalist feelings. In trying to get other states to compromise, in coming to understand the policies of their opponents, in learning the personal qualities of other statesmen, and perhaps in coming to realize how little the happiness of a people depends on the triumph of State pride they are improved as statesmen. I think, also, it does them good to take up, discuss, and pass upon the many problems of a humanitarian or economic nature that come before the Council. Men who give an hour to a report on the Opium Traffic, another on saving the finances of a stricken Austria, and still another to a discussion of restricting the sale of military arms must get accustomed to other purposes of government than the give and take of diplomatic fencing that used to characterize the old diplomacy. It is not surprising if we discover that Foreign Ministers have souls.

One way of considering the strength of the League is to ask how much it would be defied. Of all the

member States in it Italy is perhaps most likely to defy it. Her attitude in the Corfu affair was the most disdainful offered the League by any of its members. Doubtless, no one would care to say how far Italy would go in defiance at this time, whether more or less than in 1923. We cannot tell until there is an actual incident. Nor do we know to what extent the frowns of the League would cause her to hesitate to plunge into a war. But it seems that we are justified in thinking the deterring power of the League is slowly growing stronger.

It is on its political side that we are most likely to question the League's strength. But we have also to remember its non-political activities. Here, too, we must consider its dependence on the wills of the states. In meeting emergencies which appeal widely to popular sympathy its non-political measures are apt to be ratified. This was true in the case of Austrian and Hungarian finances, in efforts to control typhus, and in providing for refugees in Greece. Here is a considerable area of action in which state co-operation may be expected. But experience shows how hard it is to get effective results in matters like the control of the traffic in opium or arms and munitions. It may fairly be said that in non-political matters as in political matters the power of the League varies adversely with the self-interests of the large states in the League.

The power of the League is often said to depend on public opinion. The statement is only partially true. Public opinion as expressed in the newspapers, the pulpit, and otherwise is a strong support of the League. Frequently, when a crisis comes up public opinion in demanding a settlement consonant with League principles

is more interested in getting the immediate result than in getting it through the League. But popular opinion aside, a great deal of the League's power comes from the support it gets from the Governments of the world. Time and again the League has functioned because the Foreign Secretaries have willed it. And this comes, I am persuaded, in two ways. Sometimes the League can reach the ends desired by the Governments better than the Governments themselves could reach them. Many things have come up in recently disturbed Europe which the League could deal with better than any other power, and for this reason it was convenient to have the League in existence. Probably such problems will continue to come up. Also, the League has got strength from the Foreign Secretaries because of the goodwill of the Secretaries themselves. Among these men are doubtless some who hold narrow and nationally selfish views. But in general they are broad-minded and progressive, and as such they are naturally the friends of the League. In the seven years during which the League has lived it has received immense strength from men of this type, whose official connection with the League came solely from the fact that they were cabinet members in their respective states.

3. *The League and the Castlereagh Plan*

In the room in the Foreign Office in London in which the Locarno Treaty was signed December 1, 1925, a large picture of Lord Castlereagh hung on the wall, and the newspapers called attention to it at the time. In a speech made by Stresemann in Cologne a few weeks

later the presence of the picture was mentioned. It was fitting, said the speaker, that Castlereagh's portrait should look down upon a scene which was so much in keeping with a policy inaugurated by him more than a century earlier. It is not likely that Stresemann intended to do more than utilize a pleasant coincidence in order to give a rosy hue to the occasion; but his figure seems to have been taken quite seriously by one of his friends. Sir Austen Chamberlain used it and extended its bearing in speaking in 1926 just before and after his futile attempts to carry through at Geneva the desires of the Locarno Junta. Remembering Castlereagh's plan for calling together the Foreign Secretaries of Europe to adopt a common policy, and so to preserve peace, he sought to revive the Castlereagh idea in connection with the meetings of the League Council. Some gentlemen of less eminence have caught up the suggestion with the result that the idea that the League is or may become only a new form of the Castlereagh plan, has had a considerable amount of recognition.

Now the Castlereagh plan served its purpose well 110 years ago. It did not do all its author hoped for, perhaps not all some of its admirers think. It contemplated occasional meetings of Foreign Secretaries in which dangers arising in international affairs could be taken up and settled. It had no sanction in any treaty. It was the creation of a man, who had one of the most dominating personalities in British history, and it worked because it had a Lord Castlereagh to make it work and a Canning to continue it. The truth of the last sentence is shown by the fact that it no longer worked after Canning's death in 1827. As actually applied to

the League situation, the Castlereagh plan would mean that the representatives of the five big states by meeting before the Council meets, will agree upon all important matters, in the Castlereagh spirit, and the League Council will register the decision.

However wise or satisfactory this suggestion may be, it is widely different from the League plan. It ignores the broader basis of the League and reduces it to five powers, in which, in fact, the dominating force will probably be a combination of three. The League as planned and as actually conducted at present is more than the united action of the Locarno group. It is a large number of smaller states, none of which can overcome the big five in any contest of strength, but whose power of protest is great and whose goodwill is necessary if the League exists for any good end. The existence of a directing junta in the Council could hardly fail to provoke a tendency of the other states to unite against it, followed by an attack on the rule of unanimous votes. Unless the big five are prepared to break up the League entirely they will hardly be willing to make a serious attempt at absolute domination; for a League in which there is no harmony is no League at all.

When the League was created it was usually considered from the standpoint of its power to make itself obeyed. It was to be the policeman as well as an impartial court to settle peacefully disputes that might otherwise lead to war. In this sense it was natural to stress the authority of the big states, since it is on them that the chief burdens of enforcement would fall. On this ground they received their permanent seats in the

Council. It is, however, evident that they will use this predominancy not only in settling matters that may involve major responsibilities but in matters purely moral or intellectual. The small states, while willing to concede to them superior right to determine cases which may lead to military enforcement, are disposed to think that the big states have no superior right to decide upon the justness or the wisdom of a problem growing out of the ordinary relations of nations.

The small states have not usually been inclined to dispute the powers of the big states. Such a course would produce dissension within the League which no one could willingly see in the present state of its existence. At times, however, some of these states have acted quite boldly in support of policies that were not favored by the big states. Such was the case in the discussion over council seats in 1926, with the result that the objecting big states, France and Spain, gave way and permitted the pending amendment on the subject to become law. Thus was broken up the *bloc* that had held the Council in its hands. The change of attitude by France on this subject illustrates to what an extent a persistent but reasonable course by the small states may modify the actions of the big states.

The immediate result of this change was the enlargement of the Council to nine non-permanent members and the election of very small states to some of the seats. There was much criticism on the elections; but the result was perhaps only a natural reaction from the tight hold of the old *bloc*. It is also natural that the big states in this enlarged Council should follow the practice of holding anterior caucuses to agree upon their policies.

It would be equally natural if in reply to such a course the elected council-members were to begin to act as an opposing wing of the Council. It is doubtless too much to expect the League, a human agency, to proceed by any other than human methods. But there is in the whole situation the possibility of harm to the League, unless moderate leadership takes a strong part.

The idea of switching the League into some kind of meeting of the Foreign Secretaries of the big states has these weak points: (1) It ignores the small states. (2) It ignores the development of general international co-operation. (3) It leaves out of consideration the large area of non-political co-operation into which the League has entered, and (4) It makes it probable that the League will either cease to exist as a League or develop within its ranks unhappy dissensions between the big and the other states. So great and so patent are these difficulties that it hardly seems possible that the big five will permit themselves to become a hard and fast dominant. It is more likely that their leadership, while always apparent, will be now and again forced to yield before the firm protests of the Assembly, as it yielded in September, 1926.[1]

The close relation of League and joint cabinet rule and the difficulty of separating one from the other is seen in an incident reported in the newspapers as this book is receiving its last touches before going to press. In June, 1927, there was an irritating "Albanian incident," which resulted in the recall of Albanian and

[1] Just this course was followed by the Assembly of 1927, which met while this book was in the process of being printed. This course confirms the idea that there is a powerful League spirit in the world capable of doing much to reach its ends.

Jugoslavian ministers. It was quite understood that the attitude of Italy was the key of the situation, and behind that, probably, was the position Great Britain would take in case of a war. It happened that the Foreign Secretaries of the big states of Europe were at this time in Geneva attending the Council meeting. With the Japanese representative they held a secret meeting, according to the newspapers, and adopted a plan of adjustment which they thought that Albania and Jugoslavia could honorably accept; and the British, French, German, and Italian members agreed to urge it at Tirana and Belgrade. It had no serious opposition at either place. Mussolini, however, opposed, but he gave way when Count Scialoja showed him that the big powers were in support of the scheme. A few days later it was announced that the "incident" was settled.

This affair did not differ in its nature from the Greek-Bulgarian incident of 1925 which was easily settled by the League. In its early stage, announcement had been made that Jugoslavia would refer it to the League. Then followed the report that Mussolini would not have the League interfere. The result may raise the suggestion that it would have been better for his prestige to have it disposed of in a League meeting on the basis of reason and justice than to have brought it to the point at which he would have to yield to a combination of superior Powers.

As for the League itself, the incident shows into what dangers it is running when it cannot act in a case so plainly within the meaning of the Covenant. It is some comfort to League supporters that it was the League spirit working through the Foreign Secretaries that led

to the adjustment. Also it is worth remembering that it was only the obstruction of one state that kept this case from League consideration. But it cannot give them much reassurance in view of the plain departure of Italy from her sworn duty to the League of Nations. And if the League spirit must cease to work through League organs, how long, we may ask, will it continue to live in its proper vigor?

4. *The Course Ahead*

It is easy for the historian to undertake the rôle of prophet, but it is also a precarious thing to attempt. In pointing to some of the things that lie in the course the League is going—and must go—I do not mean to suggest how it will pass them. But the League is new and it seems that it will tend to acquire power as it lives. If this supposition is warranted we are justified in pointing to things about which it is probably going to have to define its power.

One of them is the mandates. The creation of these forms of administration to meet a special emergency constitutes a challenge to the authority of the League. Some day, it seems, it will have to define the legal status of a mandate more precisely than it has so far been defined. Such a task is likely to be extremely difficult because it is not to the weak but to the strong states that mandates have been entrusted. The situation is even more difficult through having some of the mandates in the hands of British Dominions. These vigorous minded young states are perhaps going to be particularly desirous of converting mandates into perma-

nent possessions, and the more they put their blood into them, the more they are likely to insist on ownership. In the present development of relations between Great Britain and her Dominions it ever becomes more difficult for Great Britain to deny a request from a Dominion; so that we may expect that in general her mandate policy will be fixed by the Dominions; and if her course is rigid it may, perhaps, serve as the model for France on the same subject. What State in the League is going to move to break this process? It would perhaps be a big state and also a state without a mandate.

Likewise, the question of reducing naval armaments is a frowning future problem. It is more difficult than land disarmament, because its defense is more plausible. Most people know definitely that armies exist to kill men; they have a feeling that navies in a measure exist to protect commerce, which, to many people seems different. The popular mind is likely to show more resistance to League appeals on this subject than on land disarmament.

On this point the attitude of Great Britain is extremely important. No other big nation has been so true to the League in the crises of the past seven years. We need not discuss the reason for it; but in one vexatious problem after another it has in general been possible to count on Britain's support for the League. Her loyalty will reach its supreme test when the question is: Will she be willing to trust to the League principle the protection of her far-flung possessions? The maintenance of a navy for police duty in maintaining obedience in her own possessions is one thing, and with it the League has nothing to do; but the claim that she must

have a dominant navy to protect her against state members of the League is evidently contrary to the League spirit.

The shifting politics in European nations may have a strong influence on the future of the League. For example, the overthrow of the Ramsay MacDonald ministry in Great Britain in 1924 brought about the rejection of the Protocol. In the same way a shift from a Conservative to a Liberal or a Labor ministry might bring about a decided change in the attitude of the British Government in the future of the League. The same may be said of France, where the fall of Briand would be very significant in League history. This state of affairs exists because the League is so closely connected with the actual situation in the cabinets. It will yield as the League develops its own entity, fixed in the publice opinion of the people who make up the nations. But as it develops the foreign policy governing Europe at least would tend to lose its nationalistic basis and merge itself into a composite thing that is neither British, French, nor German.

One of the great facts of the League lies in its ability to outlive the generation of 1914–1919. That generation was trained in the old ideas of diplomacy, formed at a time when there was no League to offer another settlement of disputes than war. As a newer generation comes into control, whose ideas have been formed face to face with the League, it is reasonable to think that war will not be so completely instinctive with them. Instead they may be willing to ask in each crisis, as it comes up, "Where is the instrument of a pacific settlement and how may it be used?" And it will be very important

to have a going organization at hand ready to be used. It is of great significance in the problem that the League should be always strong enough to act effectively in such emergencies. Is it now strong enough to meet the demand, or will it grow stronger or weaker? This is not a question the historian will feel like answering. He can only say: Wait and see.

BIBLIOGRAPHY

A List of Books and Pamphlets on the League of Nations

THE writings mentioned in this list are such as seem to be best adapted to the use of serious students of the League's history and the subjects related to its nature and development. At the time when the League began its existence many things were published in its defence and in explanation of its nature. Such writings had only an ephemeral value for the most part, and only the most substantial of them are mentioned here. Within the last four years writers interested in the League have given us a number of sound discussions of its various phases with the result that a complete catalogue of their works would assume the form of a considerable monograph. From this abundance only the most important are here cited.

Bibliographies

THE printed Catalogue of the League of Nations Library in Geneva, 1920–25,[1] with annual additions, is one of the best sources of bibliographical information on the League, but it contains no indications of the value of the books mentioned. Like all the other publications of the League it is sold at a moderate price to cover the cost of publication. Other bibliographies are: the *Catalogue* of the Library of the League of Nations Union, October, 1926, 15, Grosvenor Crescent, London, S. W. 1; *List of References on the League of Nations* (Library of Congress, Miscellaneous Bibliographies, 1910–1924. Nos. 42–45); and *List of References on Mandates* (Library of Congress, *ibid.*, No. 46). Help can be had, also, from the lists of the publications of the several societies supporting League principles, as The League of Nations Union (London), The

[1] Supplement to the Monthly Summary, 1926 on.

Non-Partisan Association (New York), L'Association Française pour la Société des Nations (Paris), The World Peace Foundation (Boston);[1] The Carnegie Endowment for International Peace—in its series known as *International Conciliation* (New York), The Institute of Politics (Williamstown, Mass.), and Foreign Affairs (New York).

Documents

The League publishes full records of its transactions in several series. Complete sets are in the Library of Congress and in the New York Public Library, perhaps in other libraries in the United States, and they are still to be had from the League in Geneva. For the ordinary student the most important are: 1. *The Records of the Assembly,* containing discussions in the Assembly in a volume known as *Plenary Meetings* with other volumes containing discussions in the Committees. 2. *The Official Journal of the League of Nations,* containing the minutes of the Council—which are also published separately—and the important reports of committees and *Rapporteurs.* 3. Selected *Reports* of committees dealing with the more striking investigations made under League authority, some of them too lengthy to be published in the *Official Journal.* A city or university library that does not feel like having all that the League publishes may offer its patrons a good working knowledge of League affairs by having these three kinds of documents on its shelves. They are published in English and French.

The League also publishes a *Monthly Summary,* for popular reading, but it will satisfy no student. While the Assembly sits there is published day by day the *Journal of the Assembly,* a skeleton of its proceedings, but it has little value for one who wishes to know what happened. The series known as *League of Nations Pamphlets,* published by the League's Information Bureau, is a popular series issued with a propaganda motive. Other issues are: a *Treaty Series,* containing treaties registered with the League, the *Monthly Bulletin of Statistics,* and various occasional pamphlets.

The minutes of the Council are not *in extenso,* but they do not seem to omit anything deliberately. The remarks of the speaker

[1] The American agent for the League of Nations documents, 40 Mt. Vernon Street, Boston, Mass.

are paraphrased and shortened to save space. The speeches in the Assembly are given more at length, but not always *verbatim.*

The International Labor Organization issues monthly the *International Labor Review* and some other publications devoted to its own field of labor. The Permanent Court of International Justice issues from time to time the numbers of its *Collection of Judgments and Advisory Opinions,* together with a series of *Acts and Documents* relating to the Court's organization.

European History since 1918

European History since 1918 constitutes an important background for the history of the League. Among books on this subject are the following:

Alexander, H. G., *The Revival of Europe* (London, G. Allen & Unwin, Ltd. 1924)

Aubert, *The Reconstruction of Europe, its Economical and Political Condition* (New Haven, Yale University Press, 1925)

Bolitho, Wm., *Italy under Mussolini* (New York, 1926)

Bryce, Viscount, *International Relations* (New York, Macmillan, 1922)

Cippico, Count Antonio, *Italy, The Central Problem of the Mediterranean* (New Haven—Williams College Institute of Politics, 1926)

Coolidge, Archibald C., *Ten Years of War and Peace* (1927)

De Montgomery, B. G., *Issues of European Statesmanship* (1925)

Ferrero, Guglielmo, *Four Years of Fascism,* translated by E. W. Dickes (London, 1924)

Glasgow, George, *MacDonald as Diplomatist* (London, J. Cape, Ltd., 1924)

——, *From Dawes to Locarno* (New York, Harpers, 1926)

Heerfordt, C. F., *A New Europe,* translated from the Danish (London, Allen & Unwin, 1925)

Keynes, J. M., *Economic Consequences of the Peace* (London and New York, 1920)

——, *A Revision of the Treaty* (London, 1922)

Matteotti, Giacomo, *The Fascisti Exposed,* translated by E. W. Dickes (London, 1924)

Moon, Parker T., *Syllabus of International Relations* (New York, 1925)

Mowat, Robert B., *The European States System* (London, 1923)

Nitti, Francesco Severio, *The Decadence of Europe,* translated by F. Brittain (London, 1923)

——, *They Make a Desert* (London, 1924)

Playne, C. E., *The Neuroses of the Nations* (London, 1925)

Rouse, R., *Rebuilding Europe* (1925)

Solmi, A., *The Making of Italy* (1925)

Steed, Henry Wickham, *Through Thirty Years,* 2 Vols. (New York, 1924)

Sturzo, Luigi, *Italy and Fascismo,* Translated by B. B. Carter (London, 1926)

Toynbee, Arnold J., *Survey of International Affairs* (London–New York, 1925)

Villari, Luigi, *The Awakening of Italy* (London, 1924)
——, *The Fascist Experiment* (1926)
Visscher, Charles de, *Stabilization of Europe* (Chicago, 1924—The University of Chicago)
Webster, C. K., *The Foreign Policy of Castlereagh* (London, 1925)

The League Theory

Alexander, H. G., *Justice among the Nations* (1927)
Ando, Yoshiro, *La Liberté du Commerce et la Société des Nations*, Bibliography (1925)
Angell, Norman, *Human Nature and the Peace Problem* (London, 1925)
Alvarez, Alejandro, *Rapport concernant l'Étude critique du Pacte de la Société des Nations* (Paris, 1922)
——, *La Réforme du Pacte de la Société des Nations sur les Bases continentales et régionales* (Issoudun, 1926)
Baak, J. C., *Die Inhalt des modernen Völkesrechts und der Ursprung des Artekels 10 der Völkersbundsatzung* (Berlin, 1926)
Bassett, John S., *The Lost Fruits of Waterloo* (New York, 1918, 1919)
Berger, Rolande, *Un Aspect de l'Activité sociale de la Société des Nations, la Traitement des Femmes*, Bibliography (Montpellier, 1926)
Cassin, René, *Les anciens Combattants français et la Société des Nations* (Paris, 1925)
Erzberger, Matthias, *Der Völkerbund, der Weg zum Welt frieden* (Berlin, 1918)
Fosdick, Raymond B., *An Opening Chapter in World Co-operation, the League of Nations after Four Years* (New York, 1923)
Fülster, Hans, *Der Weg zum Weltfrieden* (Oldenburg, 1924)
Gompers, Samuel, *The League of Nations or a League of Financiers*
Hayes, Carlton J. H., *Essays on Nationalism* (New York, 1926)
Hoijer, Olof, *Le Pacte de la Société des Nations, Commentaire théoretique et practique* (Paris, 1926)
Hudson, Manley O., *Amendment of the Covenant of the League of Nations* (Harvard Law Review, XXXVIII, No. 7, 1925)
——, *Wilson's Fourteen Points after Eight Years* (New York—Woodrow Wilson Foundation, 1925)
Lawrence, Thomas J., *Lectures on the League of Nations*, delivered at the University of Bristol (London, 1919)
L'Hôpital, Bertrand de, *Les Moyens de Coercion autres que la Guerre entre Membres de la Société des Nations* (Paris, 1926)
Lowell, A. Lawrence, *Public Opinion in War and Peace* (Cambridge, Harvard University Press, 1923)
Mariotte, Pierre, *Les Limites actuelle de la Compétence de la Société des Nations*, Bibliography (Paris, 1926)
Mettetal, Roger, *La Neutralité et la Société des Nations* (Paris, 1920)
Morrow, Dwight W., *The Society of Free States* (New York, 1919)
Puech, J. L., *La Tradition socialiste en France et la Société des Nations* (Paris, 1921)
Rappard, Wm. E., *International Relations as Viewed from Geneva* (New Haven, 1925)

——, *La Politique de la Suisse dans la Société des Nations* (1925)
Ruffin, Henry, *Croyez-Vous à la Société des Nations?*—Bibliography (Paris, 1924)
Scelle, Georges, *Le Pacte des Nations et la Liaison avec le Traité de Paix* (Paris, 1919)
Taft, Wm. H., and others, *The Covenanter: an American Exposition of the Covenant of the League of Nations* (New York, 1919)
Tchernoff, J., *Les Nations et la Société des Nations dans la Politique moderne* (Paris, 1919)
Titeano, Eugène, *La Compétence de la Société des Nations et la Souveraineté des États*—Bibliography (Paris, 1925)
Valentin, Veit, *Geschichte des Völkerbundgedankens im Deutschland* (Berlin, 1920)
Wallas, Graham, *Human Nature in Politics* (London, 1924)
Wilson, Woodrow, *International Ideals*
——, *Speeches Made in Europe,* December 14, 1918–February 14, 1919 (New York, 1919)
——, *Addresses . . . on his Western Tour,* September 4–25, 1919 (Washington, Sen. Doc. 120, 66th Cong. 1st Sess., 1919)
——, *Case for the League of Nations,* Hamilton Foley, ed. (Princeton, N. J., 1923)

Books on the History of the League

Baker, Philip J. N., *The League of Nations at Work* (London, 1926)
Benès, Edvard, *Diplomatic Struggle for European Security and the Stability of Peace* (Praha, 1925, from "Orbis")
Bourgeois, Léon-Victor-Auguste, *L'Œuvre de la Société des Nations* (Paris, 1923)
——, *Present Position of the League of Nations* (London, 1923)
Brunot, René, *La Société des Nations et la France* (Paris, 1921)
Bülow, B. W. von, *Der Versailler Völkerbund, einer vorläufige Bilanz* (Berlin, 1923)
Butler, Sir Geoffrey G., *Handbook of the League of Nations* (London, 1919, 1925)
Cassin, René, *La cinquième Assemblée de la Société des Nations et le Protocole de Genève* (Paris, 1926)
Colijn, Hendrikus Antonio, *La Décision de la Société des Nations concernant les Îles d'Aland* (Amsterdam, 1923)
Dami, Aldo, *La Crise constitutionelle de la Société des Nations* (Geneva, 1926)
Fanshawe, Maurice, *Reconstruction: Five Years of Work by the League of Nations* (London, 1925)
Harris, H. Wilson, *What They Did at Geneva, an Account of the First Assembly* (London, 1920)
——, *An Account of the Second Assembly* (London, 1921)
——, *What the League of Nations Is* (London, 1925)
Kloetzli, Hans, *Die aufnahme Deutschlands in dem Völkerbund* (Der Neuen Zurcher Zeitung, 1926)

Kraus, Herbert, *Zur Frage des Eintritte Deutschlands in den Völkerbund* (Tübingen, 1925)

La Chapelle, Georges, *La Société des Nations, son Origine et son But, son Organisation et son Œuvre* (Paris, 1920)

League of Nations Union, *Political Activity of the League* (London, 1923)

Levermore, Charles, *What the League of Nations has Accomplished in One Year* (Brooklyn Daily Eagle, 1921) (Succeeding volumes were brought out by the same newspaper as Second, Third and Fourth "Year Books of the League of Nations," 1922, 1923, 1924)

Montarroyos, E., *Le Brésil et la Crise de la Société des Nations*—Bibliography (Paris, 1925)

Raash, Orstedfonden, *Les Origines et l'Œuvre de la Société des Nations*, 2 Vols. (Copenhagen, 1923, 1924)

Rietmann, E., *Die Erste Völkerbundsvorsammlung* (1920, continued in 1921 and in 1922 as "Zweite" and "Dritte")

Scelle, Georges, *L'Œuvre politique de la Société des Nations* (Paris, 1923)

Schanzer, Carlo, *Sulla Società delle Nazioni* (Rome, 1925—Texte italien et français)

Schücking, Walther, and Wehrberg, Hans, *Die Satzung des Völkerbundes* Berlin, 1921, 1924)

Sheppard, Morris, *Work of the League of Nations* (Washington, 1921—a speech in the Senate, with large "leave to print")

Sweetser, Arthur, *The League of Nations at Work* (New York, 1920)

——, *What the League of Nations has Done* (New York, 1922)

——, *What the League of Nations has Accomplished* (New York, League of Nations Non-Partisan Association, 1924)

Temperley, Harold W. V., *The Second Year of the League* (London, 1922)

Vlugt, Willem van der, *La Question des Îles d'Aland* (Leyde, 1921)

Vollmar, Henri F. A., *Les Finances de la Société des Nations* ('s Gravenhage, 1924)

Wehrberg, Hans, and Schücking, Walther, *Die Satzung des Völkerbundes* (Berlin, 1921, 1924)

Williams, Bruce, *State Security and the League of Nations* (Baltimore, 1927)

Williams, Roth, *The League of Nations Today* (London, 1923)

——, *The League, the Protocol and the Empire* (London, 1925)

Wilson, George Grafton, *First Year of the League of Nations* (Boston, 1921)

Reparations

Baruch, Bernard M., *The Making of the Reparation and Economic Sections of the Treaty* (New York & London, 1920)

Bergman, Carl, *History of Reparation* (London, 1927)

Culbertson, William S., *International Economic Policies* (New York, London, 1925)

Dawes, Rufus C., *The Dawes Plan in the Making* (Indianapolis, 1925)

Moulton, H. G., *The Reparation Plan* (New York, 1924)

Reparation Commission, *Reports of the Expert Commission Appointed by the Reparation Commission* (London, Paris, New York, 1924)

The Geneva Protocol

Baker, Philip J. N., *The Geneva Protocol for the Pacific Settlement of International Disputes* (London, 1925)

Chamberlain, Sir Austen, *Statement Respecting the Protocol* (London, H. M. Stationery Office, 1925)

Freund, Rudolph, *Der Genfer Protokolle, ihre Geschichte und Bedeutung für das Staatsleben Deutsch-Oesterreichs* (Berlin, 1924)

Harris, Henry Wilson, *The Meaning of the Protocol* (London, 1924)

Miller, David H., *The Geneva Protocol* (New York, 1925)

Protocol on the Pacific Settlement of International Disputes . . . on the report of the first and third committees of the Assembly (London, H. M. Stationery Office, 1924)

Shotwell, James T., *Plans and Protocols to End War,* Bibliography (New York, 1925, International Conciliation, March 1925, No. 208)

Wehberg, Hans, *Le Protocole de Genève* (Paris, 1926, Académie de Droit Internationale)

Williams, Roth, *The League, the Protocol and the Empire* (London, 1925)

Locarno

Benès, Edvard, *Les Accords de Locarno, Exposé fait . . . le 30 Octobre* (Prague, 1925)

Locarno Treaties, with Bibliography (New York, 1926, Carnegie Endowment for International Peace—Reading List No. 4, March 18, 1926)

Fabre-Luce, Alfred, *Limitation of Victory* (New York, 1926)

Foreign Policy Association, *Significance of Locarno* (New York—Pamphlet no. 36, Series of 1925–1926)

Rauchberg, Heinrich, *Die Verträge von Locarno* (Prague, 1926)

Strupp, Karl, *Das Werk von Locarno* (Berlin, 1926)

Wehberg, Hans, *Die Völkerbundsatzung gemeinverständlich erläutert unter berucksichtung des Paktes von Locarno, des Berliner Vortrages mit Sowjet-Russland,* Bibliography (Berlin, 1926)

The International Labor Organization

Barnes, George N., *History of the International Labor Office* (London, 1926)

Behrens, E. Beddington, *The International Labor Office* (London, 1924)

Chisholm, Archebald, *Labor's Magna Charta* (London, New York, 1921, 1925)

Four Years of the International Labor Organisation (London, 1924—League of Nations Union)

Guerreau, M., *L'Organisation permanente Internationale du Travail* (1923)

Innes, Kathleen E., *The League of Nations and the World's Workers* (1927)

Johnston, George A., *International Social Progress,* the work of the International Labour Organisation (London, 1924)

Oliver, Mrs. E. M., *The World's Industrial Parliament* (London, 1925)

Périgord, Paul, *The International Labor Organisation* (New York, 1926)

Special Incidents

(*a*) *Upper Silesia*

British Foreign Office, Historical Section, Upper Silesia (London, 1920, H. M. Stationery Office—Peace Handbooks, Vol. 7, No. 4)

Osborne, Sidney, *The Upper Silesian Question and Germany's Coal Problem* (London, 1921)

——, Ed., *The Problem of Upper Silesia* (London, 1921)

Wierzbiski, A., *The Truth about Upper Silesia,* a Speech in the Polish Diet (1921)

(*b*) *Corfu*

Harris, H. Wilson, *Italy, Greece and the League* (London, 1923—Pamphlet No. 124 of the League of Nations Union)

Hudson, Manley O., *How the League of Nations met the Corfu Crisis* (Boston, 1923—World Peace Foundation)

——, *The League of Nations after Corfu* (1924)

Lasturel, Pierre, *L'Affaire Gréco-Italienne de 1923,* étude critique avec des documents inèdits (Paris, 1925)

Lowell, A. Lawrence, *The Corfu Crisis* (Boston, 1923—World Peace Foundation)

Nicoglou, Stephen Ph., *L'Affaire de Corfu et la Société des Nations,* Bibliography (Dijon, 1925)

Phillipe, Albert, *Le Rôle de la Société des Nations dans L'Affaire de Corfu,* Bibliography (Lille, 1924)

(*c*) *Austria and Hungary—Austria's Reconstruction*

(Vienna, 1924—prepared by the Oesterreichischen Völkerbundlega, and issued in German, English and French—a popular account)

Bordes, J. Van Watré de, *The Austrian Crown: its Depreciation and Stabilisation* (London, 1924)

Ferrière, Adolphe, *La Société des Nations dans les Écoles de la Suisse* (Geneva, 1923)

Karl, Rudolf, *Der Oesterreichische Völkerbundanleihe* (Wien, 1925—Oesterreichischen Nationalbank)

Mitzakis, Michel, *La Relèvement financier de la Hongrie et la Société des Nations,* Bibliography (Paris, 1926)

(*d*) *The Saar Basin*

Allot, Alexander, *Le Bassin de la Sarre, Organisation politique et administrative* (Paris, 1924)

Anschutz, Hugo, *Der Kampf der Saarbeamten unter den Völkerbundes Regierung* (Frankfort, 1922)

Bisschopf, Willem R., *The Saar Controversy* (London, 1924—Grotius Society)

Coursier, Henri, *Le Statut International du Territoire de la Sarre Nemours,* (1925)

Dariac, *Ruhr, Rhineland and Saar . . .* secret reports . . . presented to the French Government in 1922 (Manchester, 1923—reprinted from the "Manchester Guardian" of November 2, 1922, and March 5, 1923)
Donald, Sir Robert, *A Danger Spot in Europe* (London, 1925)
Haskins, Charles H., *The Saar Territory as it is Today* (Foreign Affairs, I, 46–58)
Marvaud, A., *Le Territoire de la Saare* (Paris, 1924)
Osborne, Sidney, *The Saar Question* (London, 1923)
Priou, Jean, *Le Territoire de la Saare, Études politiques et économiques* (Paris, 1923)
Russell, Frank M., *The International Government of the Saar,* Bibliography Berkeley, Calif., 1926)
Saar Valley Commission, Reports (Geneva, 1920—: League of Nations)
Wehrberg, Hans, *Saargebiet: die Staats und völkerrechtliche Stellung des Saargebietes* (Köln, 1924)

(*e*) *Albania, Danzig,* etc.

Albanian Commission, Report to the Council of the League (Geneva, 1922)
Bourcart, Jacques, *L'Albanie et les Albanais* (Paris, 1921)
British Colonial Office, Papers relating to the application to Iraq of article 22 of the Covenant, 11 vols. (London, 1923–1925, H. M. Stationery, cmd. 2317)
Cassanetes, Nicolas J., *Northern Epirus at the Peace Conference,* Brown, C. N., ed. (New York, 1919)
Comité uni des Albanais Irrédents, *Les Droits de L'Albanie à ses Frontières naturelles* (Valone, 1921)
Levesque, Geneviève, *La Situation Internationale de Dantzig,* Bibliography (Paris, 1924)
Lithuanian Ministry for Foreign Affairs, *The Question of Memel* (1924)
Maccas, Léon, *La Question Gréco-Albanaise* (Nancy, 1921)
Mandelstam, Andrè N., *La Société des Nations a les Puissances devant le problème Arménien* (Paris, 1925)
Moritz, Ernst F. S., *Der Völkerbund und die Frei Stadt Dantzig* (1922)
Pfeuffer, Rudolf, *Die Volkerrechtliche Stellung der Frei Stadt Danzig* (Danzig, 1921)

Special Problems

(*a*) *Mandates*

Ayoub, C., *Les Mandats Orientaux* (1924)
Beer, George Louis, *African Questions at the Peace Conference* (New York, Macmillan, 1923)
Ferriet, René de, *L'Application d'un Mandat* (Paris, 1926)
Furukaki, P. T., *Les Mandats internationaux de la Société des Nations* Bibliography (Lyon, 1923)
Joffre, A., *Le Mandat de la France sur la Syrie et le Grand-Liban* (1924)
League of Nations Union, *Mandates in Africa* (London, 1922)
Loder, John de Vere, *The Truth about Mesopotamia, Palestine and Syria* (London, Allen & Unwin, 1923)

Lugard, Sir F. D., *The Dual Mandate in British Tropical Africa* (London, 1922)
Luquet, Jean, *La Politique des Mandats dans le Levant* (Paris, 1924)
Millot, Albert, *Les Mandats internationaux* (Paris, 1924)
Pic, Paul, *Le Régime du Mandat d'apres le Traité de Versailles* (1923)
——, *Syrie et Palestine: Mandats français et anglais dans le Proche-Orient* (Paris, 1924)
Rappard, Wm. E., *Practical Working of the Mandate System*, Bibliography (London, 1925—Journal of the British Institute of International Affairs, Sept. 1925)
Ristelhueber, R., *Les Traditions françaises au Liban* (1925)
Schneider, Wolfgang, *Das Völkerrechtliche Mandat in historischer Darstellung*, Bibliography (Stuttgart, 1926)
Stoyanowsky, J., *La Théorie générale des Mandats internationaux*, Bibliography (Paris, 1925)
White, Freda, *Mandates* (London, 1926)
Woolf, Leonard S., *Mandates and Empire* (1920)
Wright, Quincy, *The United States and Mandates* (1925—Michigan Law Review XXIII, No. 7)

(*b*) *Minorities*

Abs, P. Joseph M., *Der Kampf um unserer Schutzgebiete; unsere kolonien einst und jetzt* (Essen, 1926)
Dresler, Adolf, *Der Völkerbund der Weltfinanz, ein Wernruf an Deutschland* (Leipzig, 1925)
Fouques Duparc, Jacques, *La Protection des Minorités de Race, de Langue et de Religion, Étude de Droit des Gens* (Paris, 1922)
Grundwald, Kurt, *Das Rechts der nationalen Minderheiten und der Völkerbund*, Bibliography (Wien, 1926)
Lucien-Brun, Jean, *Le Problèm des Minorités devant le Droit international* (Paris, 1923)
Luke, Harry C., *Mosul and its Minorities* (London, 1925)
Mandelstam, André N., *La Protection des Minorités* (Paris, 1925)
——, *La Société des Nations et les Puissances devant le Problème Arménien* (Paris, 1925)
Rühlmann, Paul, *Das Schulrecht der deutschen Minderheiten in Europe* (Breslau, 1926)
Ténékides, C. G., *Le Statut des Minorités et l'Échange obligatoire des Populations Gréco-Turque* (1926)
Villecourt, Louis, *La Protection des Minorités dans les Pays Baltiques et la Société des Nations* (Bordeaux, 1925)
Wertheimer, Fritz, *Deutschland, die Minderheiten und der Völkerbund* (Berlin, 1926)

(*c*) *Reduction of Armaments*

Baker, Philip J. N., *Disarmament* (London, 1926)
Bywater, Hector C., *Navies and Nations: a Review of Naval Developments since the Great War* (1927)
Lavallaz, M. de, *Essai sur le Désarmament et la Pacte de la Société des Nations* (Paris, 1926)

Wheeler-Bennett, John W., *Information on the Reduction of Armaments*, Bibliography (London, 1925, Assoc. for International Understanding)

(*d*) *Opium*

Buell, Raymond L., *The international opium conferences and related documents* (London, 1925—World's Peace Foundation, v. 8, Nos. 2 & 3)

Chinese Delegation to Opium Conference, Statement of Chinese Delegation (Baltimore, 1926)

Foreign Policy Association; New York Committee on traffic in opium. . . . summary of opium conferences in Geneva, Nov. 1924–Feb. 1925 (New York, 1925)

——, *The Opium Situation in India* (New York, 1926, Foreign Policy Assoc. pamph. Ser. 1925–1926, No. 39)

Gavit, John P., *Opium* (New York, 1925)

Graham-Mulhall, Sara, *Opium, the Demon Flower* (New York, 1926)

Hoijer, Olof, *Le Trafic de L'Opium et d'autres Stupéfiants* (Paris, 1925)

Indian Delegates to International Opium Conference, 1924–1925, Report of (London, 1925)

Pila, J. Joseph, *Le Trafic des Stupéfiants et la Société des Nations* (Paris, 1925)

Sze, S. A., *Geneva Opium Conferences: statements of the Chinese Delegation* (1926)

Willoughby, Westel W., *Opium as an International Problem, the Geneva Conferences* (Baltimore, 1925)

(*e*) *The Catholic Church and the League*

Brière, Yves de la, *Catholicisme et Droit des Gens* (Anvers, Bulletin d'Études et d'Informations de l'École superieure de Commerce Saint-Ignace, Juillet, 1924)

——, *L'Organization internationale du Monde contemporain et la Papauté souveraine* (Paris, 1924)

Coulet, R. P., *L'Église et le Problème internationale* (Paris, 1923)

Julien, Eugène-Lucien, *La Société des Nations, une Théorie Catholique* (Paris, 1919)

Pernot, Maurice, *L'Église Catholique et la Politique mondiale*, Bibliographie (Paris, 1924)

Tworkowski, X. Waclow, *Wilson et Bénoit XV, autour de la Société des Nations*, Bibliographical footnotes (Montreux, 1920)

(*f*) *The Permanent Court of International Justice*

Bustamentey Sirven, Antonio Sanchez de, *El Tribunal Permanente de Justiciar International*, Bibliography (Madrid, 1925)

——, an English translation, London, 1925

Fachiri, Alexander P., *The Permanent Court of International Justice* (London, 1925)

Hudson, Manley O., *The Permanent Court of International Justice* (Cambridge, Mass., 1925)

——, A series of magazine articles with documents added, Library of Congress, List of Refs. on a Permanent Court of International Justice, Miscel. Bibliography—1910–1924, No. 47

Johnson, Julian E., ed. *Permanent Court of International Justice,* Bibliography (New York, 1924, 2nd ed.)
Scott, James B., *Project of a Permanent Court of International Justice* (Washington, 1920—Carnegie Endowment for International Peace)
Wheeler-Bennett, John W., *Information on the Permanent Court of International Justice* (London, 1924-Assoc. for International Understanding)
——, *The World Court in 1925* (London, 1926)

The United States and the League

Clarke, John H., *America and World Peace* (New York, 1925)
Dickinson, Thomas H., *The United States and the League of Nations* (New York, 1923)
Egbert, Lawrence, *Les États-Unis et le Cour permanent de Justice internationale,* Bibliography (Paris, 1926)
Fisher, Irving, *America's Interest in World Peace* (New York, 1924)
Fosdick, Raymond B., *The State Department and the League of Nations* (Rev. of Revs., New York, April, 1924)
——, *Secretary Hughes and the League of Nations* (New York Times, Oct. 19, 1924—Reprint in pamphlet, New York, 1924)
Harriman, Edward A., *The Constitution at the Cross Roads* (New York, 1925)
Hudson, Manley O., *America and the Permanent Court of International Justice* (Boston, 1923—World Peace Foundation)
——, *American Cooperation and the League of Nations* (Boston, 1924, World Peace Foundation)
Kellor, Frances A., *The United States of America in Relation to the Permanent Court and the Hague Tribunal,* 2nd printing (1923)
——, *The United States Senate and the International Court* (New York, 1925)
Lodge, Henry C., *The Senate and the League of Nations* (New York, 1925)
Miller, David H., *The Senate Reservations and the Advisory Opinions of the Permanent Court* (New York, 1926—Columbia Law Rev., June, 1926)
Page, Kirby, *The American Peace Policy* (New York, 1925)
Root, Elihu, *Letters Relative to the League of Nations* (Washington, 1919—66th Cong. 1st Sess. Sen. Docs. No. 41)

INDEX

A

Aaland Island Controversy, 52-68; origin of, 52-54; early history of Islands, 52; geographic position of the Islands, 53; appeal to the League, 54; points at issue, 55, 57; fortification of the islands, 58; before the committee of jurists, 58-61; the report of the three *Rapporteurs*, 61-63; the process of adjustment, 63-65; the decision, 65-68

Abbott, Miss Grace, 342

Admission of States, 101-104

Advisory Committee on Opium, 346-353

Advisory opinions. *See* Permanent Court

Africa, Mandates in, 25

Albania, boundary dispute with Greece and Jugoslavia, 120-130; origin of the dispute, 120; applies for membership in League, 121; Albanian Commission, 125; admission of denounced, 136; the boundary with Greece, 203; *See* Corfu Incident; incident of June, 1927, 382

Ambassadors, *See* Conference of Ambassadors

Amendments, in the first Assembly, 96; in the second Assembly, 135, 144-150; action of States on, 149; on the Composition of the Council, 312, 324

American Red Cross, 364

American Society of International Law, 364

Amory, Mr., represents Britain in Iraq hearing, 291, his argument, 291-293

Arbitration, not made compulsory, 145; and conciliation, 147; *See* Disarmament

Arfa, Prince, on Council elections, 331

Argentina, her attempt through Pueyrrdon to amend the Covenant, 95-97; withdraws from the Assembly, 96; its amendment of the Covenant in the second Assembly, 145

Armenia, seeks to become a mandate, 40; succumbs to Russia, 42

Arms and Munitions, Traffic in, 353-360

Article 10, and the prevention of war, 17; efforts to amend, 146; proposed amendment of, 168; Attack on, 231-235; attitude of France, 233, 234; saved by Persia, 234; significance of, 373; its actual vigor, 374

Askenazy, represents Poland in Lithuanian Controversy, 77-88, *passim*

Assembly, its powers, 5; composition of, 6; its functions, 7; relations with the Council, 7, 8; officers of, 7; debates of, 8; and the foreign ministers, 8; the Bureau of, 8, n. 2; Committees of, 9; relation to Council, 48-51

Assembly, work of the first, 91-109; character of its personnel, 91; States represented, 91, n. 1; significance of annual meetings, 92; Hymans, first President, 92; amount of business of, 92; committees and organi-

zation of, 93; debates, 93, 95; discusses relations of Assembly and Council, 94, 99-101; passes statute for the Permanent Court, 105-107; work of, 108
Assembly, discontent in Second, 131-150; influence of Council in, 132; amendments considered in, 144-150; significance of the second, 150; Van Karnabeek on, 150; gloom in the third, 164-169; the fourth and the Corfu Incident, 216; and disarmament, 227; the fifth and the Protocol, 236; preliminary approval of Locarno Pact by the Sixth, 262; special session to consider admission of Germany, 304, 305; special session of March, 1926, 313; considers the permanent seats Crisis, 319-322; and the Council, 324; the Seventh meets, 327
Austria, admitted to League, 101; restoration of the finances of, 191-200; suggestion under ter Meulen Scheme, 191; state of her finances, 192-194; appeal to Supreme Allied Council, 193; in the hands of the League, 195-200; the League plan, 196; suffering caused by League plan, 196; execution of the plan, 198-200; effects of in Austria, 199

B

Baldwin, Stanley, defends the opposition to Protocol, 256
Balfour, Lord, On relative powers of Council and Assembly, 50, 99, 100; *Rapporteur on Aaland Islands*, 57; on the Polish-Lithuanian controversy, 83; scores conduct of Poland, 86; on plans of Ishii for Upper Silesian settlement, 115-117; and Albanian boundary dispute, 125; defends the Council, 136; on Lord Robert Cecil, 137; defends the Secretary-General, 136-138; rallies the spirit of the third Assembly, 165
Barnes, George N., on permanent seat controversy, 307
Bayens, Baron, *Rapporteur* on Aaland Islands, 61
Belgium, has seat in Council, 34; conducting Eupen and Malmedy plebiscite, 43-48; supports France in League, 132; and the Locarno settlement, 265; and the permanent seat compromise, 317
Benès, M., and the Protocol, 237, 248; services in the Council, 317
Berne, influence of the United States legation at, 343, 355
Blockade, economic, threatened against Jugoslavia, 128
Blue, Dr. Rupert, 343, 347
Boch, Herr van, in Saar Commission, 174
Boncour, Paul, on the position of the Council, 324
Boulogne, Conference of, 156
Bourgeois, Léon, and the Covenant, 2; first president of the Council, 29; presides over first Council session, 34; his address to, 35; characterizes attitude of Powers to League, 38; and Aaland Islands Controversy, 56; comment on Paderewski's remarks, 75; on Poland's attitude on Zeligowski, 77, 82; on Lithuania's refusal to adjust the Polish dispute, 82; not influenced by French interests, 90; *Rapporteur* on creation of the Permanent Court, 105; yields to Ishii on the Upper Silesian adjustment, 115, 117; defends the Council, 138-140; on the Washington Conference, 138
Branting, Karl Hjalmar, represents Sweden on Aaland Islands, 56; part in the controversy, 56-68, *passim*; criticizes the Council, 134; on Saar investigation, 183; on League authority in Corfu Incident, 209, 212, 216, 217, 220
Brazil, relations with the League, 6; demands permanent Council seat, 304, 318; gives notice of withdrawal, 326
Brent, Bishop Charles H., 348
Briand, Aristide, on Upper Silesian

plebiscite, 113; his foreign policy, 155; acts with Lloyd George to revise Treaty of Versailles, 160; and Conference in Cannes, 162; recalled from Cannes, 163; in Græco-Bulgarian Dispute, 222; recognized principles of Tripartite Pact, 228; on Stresemann's suggested "Security Pact," 256; and the origin of Locarno Pact, 264; his good work at Locarno, 269; responsibility for Locarno, 275; speech on Locarno in London, 275; and permanent seats in the Council, 304-316, *passim;* public criticism of, 306; loses and regains office, 314; replaces Chamberlain in permanent seat controversy, 316; succeeds with sacrifice of Sweden, 317; speech on failure to admit Germany, 320; M. Motta compares him with Aristides the Just, 321; his mistake in the affair of permanent seats, 322; speech on seating Germany, 329; at Thoiry, 332; and the evacuation of German ports, 334; and Nobel Prize, 334; in Council meeting, 367; and the Saar Valley "Compromise," 369-371

Brussels, effort to have first Assembly at, 48-50

Brussels Conference on Poland and Lithuania, 83

Brussels, Conference of, 157

Bulgaria, admitted to League, 101; and the Græco-Bulgarian dispute, 220-224

Bullard, Arthur, 363

Burton, Theodore E., represents United States in Conference on Disarmament, 356-358

C

Cabinets and the League, 133

Calonder, Félix, *Rapporteur* on Aaland Islands, 61; and the execution of the Upper Silesian agreement, 119

Cameroons, a mandate for, 25

Cannes, Conference in, 161, 170

Castlereagh Plan, and the League, 378-380; the suggestion of Stresemann, 378; adopted by Chamberlain, 379; not a similar situation, 379, 382

Cecil, Lord Robert, and the Covenant, 2; on publicity of League proceedings, 93; criticizes Council in first Assembly, 135; Balfour on, 137; and Albania's admission to the League, 121; and Albanian boundary dispute, 125; on the gloomy prospects of 1922, 165; answered by Balfour, 165-167; criticized by Hanatoux, 168; on investigation of the Saar situation, 180-189, *passim;* examines M. Rault, 183; on Italy's challenge of League authority, 208, 217

Chamberlain, Mrs. Austen, at Locarno, 267; made a Dame Grand Cross of the Most Exalted Order of the British Empire, 275, n. 1; Stresemann's tribute to, 275

Chamberlain, Sir Austen, *Rapporteur* in Græco-Bulgarian Dispute, 222, 223; in the Foreign office, 244; kills the Geneva Protocol, 246; on arbitration and disarmament, 249; and Stresemann's suggested "Security Pact," 255; co-operates with Briand on "Security Pact," 255; criticized in the House of Commons, 255, 257; his responsibility for Locarno, 265; at the end of the Conference, 268-270; at ratification of Locarno, 274-276; admitted to Order of the Garter, 274; on British treaty with Turkey of 1926, 299; and the permanent seats in the Council, 304-316, *passim;* public criticism of, 306; rebuke of *Rand Daily Mail,* 307; attacked in Britain for attitude on permanent seats, 310; head of Locarno Junta, 312-316; gives up negotiations, 315; his mistake in the affair of the permanent seats, 322; and Nobel Prize, 334; and the United States resolutions on joining the Permanent Court, 362; in Council meeting, 367; and the Saar "Compromise" of 1927, 369

Clemenceau, resigns office, 154; and Article 10, 373
Cologne, troops withdrawn from, 273
Committees of the Assembly, 93
Conciliation, a Commission on, 147
Conference of Ambassadors, Succeeds Supreme Allied Council, 87; and Albanian boundary, 121-129, *passim;* created, 155; and the Corfu dispute, 155; asked to consider Corfu Incident, 205-220, *passim;* decision on Corfu compared with League demands, 215; decision unpopular in Britain, 220; withdraws troops from Germany to aid Locarno Pact, 273; and withdrawal of army from Germany, 333
Conferences, post-bellum on European situation, 155; in San Remo, Hythe, Boulogne, and Brussels, 155; in London, 161; in Cannes, 161; in Genoa, 163
Coolidge, President, and the Permanent Court, 361; calls Naval Conference, 359
Corfu Incident, the, 201-220; nature of the dispute, 201; murder of Italian commissioner, 203, 213, 214; Greek disclaimer, 204; Italian demands, 204; Corfu seized, 205; verdict of the Ambassadors on, 211-216; Italy's withdrawal from Corfu, 212; report of Commission of Investigation, 213; further report of the Commission, 214; the decision discussed, 215
Costa Rica, withdraws from League, 5; admission to League, 101
Council, relations with the Assembly, 7; foreign ministers in, 8; composition of, 9; meetings of, 9; organization of, 10; powers of, 10; and the prevention of war, 16; and disarmament, 17; and mandates, 24; first members, 28; the first session, 28-34; its president, 29; effect of its deliberations on its own members, 33; first meeting of, 34; its personnel, 34; second session, 36; sessions in 1920, 37; character of first sessions, 37; and Russian investigation, 39; on reception of Switzerland, 40; and the Armenian Problem, 40; relation to Assembly, 48-51; desires to consult Wilson about call for first Assembly, 48; on its powers relative to Assembly, 50; and Aaland Island controversy, 55-68, *passim;* its methods shown in Aaland Island controversy, 67; lack of authority in Polish-Lithuanian controversy, 79; relations with the Assembly discussed in first Assembly, 94, 99-101; summary of work in 1920, 97; Report of Secretary-General on the Work of the Council, 94-99; and the statute of the Permanent Court, 105; and the Upper Silesian dispute, 114-119, *passim;* conduct of Albanian boundary dispute, 122-130; attacked in second Assembly, 131-140; influence of in the Assembly, 132; accused of violating "League ideals," 133; Branting's criticism, 134; defended by Balfour, 136-138; by Bourgeois, 138; rotation in non-permanent seats suggested by second Assembly, 147; supports France in the Saar, 174, 175, 178; and Austrian finances, 191-200, *passim;* and the Corfu Incident, 205-220, *passim;* creates Committee on the authority of the Council to interfere, 218; report of this Committee, 218-220; and the Græco-Bulgarian Dispute, 220-224; in relation with the Geneva Protocol, 238-243; and Germany's inquiry about League membership, 252-255; assumes direction of Iraq investigation, 279, 281; hearing on report of Iraq Commission, 289-299; asks Permanent Court for advisory opinions, 295; jurisdiction rejected by Turkey, 297; the controversy over permanent seats in, 304-319, *passim;* special session in February, 1926, 305; changed character of, 311; Committee on Constitution of, 322; proceedings of the Committee, 323-325, 326; new rule of its com-

position, 326, 327; report of Committee on Constitution of adopted, 327; new plan adopted by Assembly, 330; election of members, 1926, 330; new method of electing criticized, 330; a council meeting described, 366; Stresemann on the sessions of, 372
Court, see Permanent Court of International Justice
Covenant of the League of Nations, conditions of its preparation, 1-5; accepted in certain treaties, 2; not perfect, 3; and disarmament, 15; *See*, Article 10; disarmament in the, 17; on promoting internationalism, 20; and Mandates, 23-25; Swiss doubts about Article 10, 40; on relations of Council and Assembly, 48; first attempts to amend, 96; methods of amendment, 149; *See also* Amendments; Italy disputes its meaning *in re* the Corfu Incident, 205; on disarmament, 225; the attack on Article 10, 231-235; *See also* Article 10; and the Geneva Protocol, 238-243
Cunha, M. da, his report on Eupen and Malmedy, 46; yields to Ishii in Upper Silesian settlement, 115
"Curzon Line," the, 71, 75
Czechoslovakia, alarmed by Conference in Cannes, 162; and convention at Locarno, 265; arrival of delegates, 268; and the permanent seats compromise, 317

D

Danzig, and the League, 22; and second Council, 36; under League control, 172
Dariac, M., reports on Saar policy, 176-179
Davis, Norman H., 89, 340, 363
Dawes Commission, the, 170
Dawes Plan, supported by MacDonald and Herriot, 231; signed in London, 236; adopted in Germany with difficulty, 250, 251, 252, n. 1
Denmark, Amendments offered by in first Assembly, 134; in second Assembly, 146
Disarmament, general measure on, 15-19; meaning of the term, 17; and the Permanent Advisory Commission, 18; and the Temporary Mixed Commission, 18; difficulties in the way, 225-228; defined, 225; big and little states on, 226; the Draft Treaty of Mutual Guarantee, 228; International Conference on and the Protocol, 237, 242; *See* Traffic in Arms and Munitions. Conference on, 356-358; Preparatory Commission, 359
Doherty, Mr., his attempt to amend Article 10, 146; objects to tribute to Rousseau, 92
Dorsett, Dr. Marion, 343
Draft Treaty of Mutual Assistance, preparation of, 229-231; and the attack of Article 10, 234
Draft Treaty of Mutal Guarantee, preparation of, 228
Drummond, Sir Eric, 11; appointed Secretary-General, 28; begins work of organizing, 28; at first Council session, 34; quick action on Græco-Bulgarian Dispute, 222; calls Council on admission of Germany, 302; and the United States, 355; in Council meeting, 367; *See also* Secretary-General
Duisburg, occupied by Allies, 158
Düsseldorf, occupied by Allies, 158

E

East Africa, a mandate for, 25
Ecuador, fails to join the League, 5
Eddy, Charles B., 363
Esthonia, admission to League, 101, 102, 103
Enckell, M., represents Finland on Aaland Islands, 55-68, *passim*
Elkus, Abram I., *Rapporteur* on Aaland Islands, 61
Eupen and Malmedy, the plebiscite in, 43-48

F

France, opinion of on admission of Germany, 328; influence in new Council (1926), 330; and the permanent seat for Poland, 306, 310; desires Belgium in Council, 312; will not ratify amendment on composition of Council, 312; and treaty and convention at Locarno, 265; reception of Locarno settlement, 271; *See also* Briand; purposes of for Saar Valley, 188; and the Militaristic Spirit, 164; occupies the Ruhr Valley, 169; and the Saar, 172; influence in the Saar Commission, 173; investigation of Saar situation, 180-189, *passim;* influence of her fear of Germany, 151; foreign policy of, 154; policy of Briand, 154; position of Nationalists, 161; desire of for Brussels as seat of League, 48; and the Polish-Lithuanian controversy, 90; relations with the Hedjaz, 98; relations with Poland, 110

French Association of the League of Nations, on Albanian boundary dispute, 123; European policy of, 132

Fortifications, controversy over the Eastern, 333

Foreign Ministers, part taken in Council and Assembly, 8

Foch, Marshal, and the Inter-Allied Military Commission, 30

Fisher, H. A. L., on the permanent seats controversy, 307

Fisher, Herbert A. L., and Albanian boundary dispute, 125-129, *passim;* in the Aaland Island matter, 61, 65

Finland, independence of established, 52; admitted to League, 101. *See* Aaland Island Controversy

Financial Conference of 1920, and the United States of America, 340

Fethi Bey, represents Turkey in Iraq hearing, 279; his contention, 281

Feisal, Emir, elected king of Iraq, 278

Fascism, early stage of, 152, 202

G

Gama, M. da, on Austrian financial restoration, 198

Geneva, seat of the League, 29, 48-50

Genoa, Conference in, 163, 164

George, Lloyd, and Russian labor situation, 38; on the Upper Silesia plebiscite, 113; and Albanian boundary, 127; his League policy, 154; acts with Briand to revise Treaty of Versailles, 160; and Conference in Cannes, 162; recognizes the principles of the Tripartite Pact, 228; on Chamberlain's relations with Briand, 310

Germany, early admitted to the Labor Organization, 21, n. 1; mandate for her islands, 26; and Eupen and Malmedy, 43-48; war relations with Finland, 52; admission to League not offered in 1920, 103; and Upper Silesia, 111-120, *passim;* her share of Upper Silesia, 117; economic interest in, 118; friendliness of small states for, 132; influence of the fear of, 151; and the problem of reparations, 153; her Reparations proposals, 157; and terms of Reparations, 158-160; state of her money, 159; makes Treaty of Rapallo with Russia, 163; charged with concealing wealth, 169; and the Ruhr occupation, 169; depreciation of the mark, 170; work of Stresemann, 170; and the Dawes Commission, 170; and the Saar administration, 175, 179; alliance with Austria threatened, 194; fear of a counter-stroke by, 227; her early relations with the League, 250-255; internal politics, 250; approaches the League, 251-254; desires special treatment under Article 16, 253, 266; opinion of on proposed "Security Pact" at Locarno, 260-262; delegates at Locarno, 264; her policy toward Russia, 264; and pact and conventions at Locarno, 265; League membership urged on

her, 266; fight for approval of Locarno treaty and conventions, 271-274; position of the Socialists on Locarno, 273, 274; applies for membership in League, 300-304; a new cabinet formed, 300; application for admission debated in Germany, 300; adopted by Cabinet, 301; expects a permanent seat in Council, 302; controversy raised by other states, 304-319, *passim;* permanent seat promised at Locarno, 305; involved in promises to Spain and Poland, 305; feeling in, on account of permanent seats controversy, 308; asks for conference of Locarno powers, 311; position on permanent seats, 313; admission voted by the Assembly, 327; representatives to Assembly, 328; takes her seat in the Assembly, 329; and withdrawal of French troops, 333; *See also* Stresemann

Gibson, Hugh S. as representative of the United States, 355; attends Temporary Mixed Commission, 356; attends Preparatory Commission, 359

Glogau, fortifications of, 333

Græco-Albanian Boundary clash. *See* Corfu Incident

Great Britain and the League, 134; influence of the state of her trade, 152; attitude toward Stresemann's "Security Pact," 255; and the treaty made at Locarno, 265; her relation to the problem of mandates, 384; of naval reduction, 385

Greece, boundary dispute with Albania, 120-130, *passim;* the boundary with Albania, 203; *See* Corfu Incident; brings Corfu Incident before the Council, 205; also before the Conference of Ambassadors, 205; the dispute with Bulgaria, 220-224

Greenberger, Mr., represents Austria on financial matters, 194, 195

Grew, Joseph C., influence of, 355; attends meeting of Temporary Mixed Commission, 356

Grey of Falloden, at the first Council session, 34; on the permanent seat controversy, 307

H

Hanatoux, M., defends France, 168; on Saar investigation, 181, 182, 187, 188; on advisory opinions of the Permanent Court, 218

Harbord, General, 40

Harding, Warren G., quoted in support of Greek boundary claim, 123, n. 1; his kind of a League, 243; on traffic in women and children, 342; and the Permanent Court, 363

Hedjaz, fails to join the League, 5; action of Council on appeal from, 98

Herriot, Edouard, significance of his triumph in France, 231; and the Geneva Protocol, 236

Hesse, Prince of, 53

Hindenburg, President, and the acceptance of Locarno, 273

Howland, Charles P., 363

Hughes, Charles E., on traffic in arms, 353-355; recommends joining the Permanent Court, 360. *See also* State Department and United States of America

Humanitarian Activities of the League, 20

Hurst, Sir Cecil, 237

Hymans, Paul, and Aaland land controversy, 65; revises Paderewski's reply, 74; *Rapporteur* in the Polish-Lithuanian matter, 74-88, *passim;* heads the Brussels Conference on Polish-Lithuanian dispute, 84-88; President of first Assembly, 92; as the director of debates, 93; on work of the first Assembly, 108; on the League's problems in 1922, 167; on the Saar problem, 187; Salandra's reply to his profession of love for Italy, 211, 217

Hythe, Conference of, 156

I

Imperali, Marquis, on Austrian financial restoration, 197, 200

Inter-Allied Military Commission, its functions, 30
International Conference for the Reduction of Armaments, preparations for, 242, 249
International Labor Organization, its nature, 21
Internationalism, promoted by the League, 19-22; agents promoting, 22-27
Iraq, a mandate for, 25; boundary controversy with Turkey, 277-299; origin of dispute, 277-281; a mandated kingdom, 277; the Vilayet of Mosul in dispute, 278-280; British claims, 279, 281; Turkish claims, 280; hearing begun by Council, 281; Commission to investigate, 282; the disputed additional claim of Britain, 281, 283; preserving peace on the border, 282, 283, 284; the "Brussels Line" accepted for the time, 284; the Iraq Commission in Iraq, 285-289; their work impeded by Iraq police, 286-289; interview with the British High Commissioner, 287-289; report of Iraq Commission, 289-291; British argument, 291-293; weak Turkish defense, 293-295; Turkish offer of a compromise, 294; advisory opinions of Permanent Court, 295, 296; fresh disorders, 296; the decision of the Council, 297-299; Turkey refuses to recognize the Council, 297; Sir Austen Chamberlain's assurances to Turkey, 298; treaty of 1926, 299, n. 1
Ishii, Viscount, and the Aaland Island controversy, 64; conduct of Upper Silesian dispute, 114-117; appeal to the fourth Assembly, 217
Italy, influence of her policy on European situation, 152; Communism in, 152; early stage of Fascism in, 152; and Austrian financial restoration, 197; influence of Corfu Incident on, 202; rise of Fascism in, 202; *See* Corfu Incident, Salandra on the New Italy, 211; doubtful views on Locarno, 262; acceptance announced, 268; her attitude toward the League, 377, 392

J

James, Edwin L., 238
Japan, a member, 5, n. 1; and the Draft Treaty of Mutual Assistance, 230; in first Assembly, 91, n. 1
Johnson, Major Bascom, 364
Jugoslavia, boundary dispute with Albania, 120-130, *passim;* delegates from, 135

K

Karnabeek, H. A. van, on the second Assembly, 150
Kellogg, F. B., Secretary of State, 359
Königsberg, fortifications of, 333
Koo, Wellington, and the Aaland Island controversy, 64; yields to Ishii in Upper Silesian investigation, 115
Korfanty, in Upper Silesia, 113
Kossman, M., on Saar situation, 189, 191
Kustrin, fortifications of, 333

L

Labor. *See* International Labor Organization
Lathrop, Miss Julia, 364
Latvia, admission to League, 101, 102, 103
Lausanne, Treaty of, on Iraq boundaries, 279
Law, Bonar, and the League, 154
League of Nations, machinery of, 4-11; membership in, 4, 6; list of member States, 5, n. 1; its technical and humanitarian activities, 20; duties imposed by Versailles Treaty, 22; profits by the Supreme Military Council, 30; affected by action of the United States, 31; early attitude of Europe toward, 32; useful to the Powers in 1920-1921, 32; and the Saar problems, 33; takes over the proposal for a Russian investigation,

38; and Eupen and Malmedy, 43; appealed to in Aaland Island controversy, 54-59; why it handled the controversy with advantage, 55; significance of Aaland Islands decision, 58, 63; significance of its interference in Poland and Lithuania, 88; admission of new states, 101-104; the principle of admission, 102; receives Upper Silesian dispute, 114; adjustment of, 114-120; significance of the adjustment, 118; appealed to in Albanian dispute, 122; adjusted by, 122-130; its character, 131-134; and the big states, 132; discussed by Balfour and Bourgeois, 137-140; assessment of contributions, 148; van Karnabeek on, 150; absorption in European politics threatened, 151-171; influenced by Reparations problem, 153; discouraging prospects of 1922, 164; Balfour's reassurances, 165-167; to administer the Saar Valley, 172; and Austrian finances, 191; second appeal to by Austria, 193; takes over Austrian finances, 195-200; significance of League control in Austria, 199; 1923 a turning point, 201; and the Corfu Incident, 205-220; authority in Corfu Incident, 208-220, *passim;* and the Corfu decision, 215; Branting's view of its authority, 216; report of committee on authority to intervene, 218-220; in the Græco-Bulgarian Dispute, 220-224; Germany's move to join, 251-254; British support of, 256; Iraq boundary dispute before, 279; joined by Germany, 300-335; accused of unfriendliness by Germany, 302, 303; and the permanent seats, 306-319; and the United States of America, 336-365; its power, 373-378; is it a super-state? 374; Dr. Rappard on, 375; and the Cabinets of the member states, 375, 382; and Italy, 377; and public opinion, 377; and the Castlereagh plan, 378-380; the big and small states, 380; the League and the Albanian incident of June, 1927, 382; the problems ahead of it, 384-387; influence of parties on, 386; living down the war spirit, 386; the principle of Concert of Powers in affairs of, 322; significance of its first seven years, 335. *See also* Covenant

League to Enforce Peace, 243

Lithuania. *See* Polish-Lithuanian Controversy; boundaries of, 70, 73; seizes Memel, 89; admission to League, 101, 102, 103

Locarno Junta, and permanent seats, 312-316

Locarno Pact, the, story of, 248-276; meaning of, 259; Committee of Jurists on, 260; approved in advance by Assembly, 262; Italy's attitude toward, 262; location of, 263; Conference assemblies, 264; treaty and conventions, 265; discussed in secret, 267; accepted by Conference, 268; signed and initialed, 269; its reception by the world, 271; the "Locarno Spirit," 271; treaty and conventions ratified in London, 274-276

Lodge, Henry Cabot, resolution in behalf of Greek boundary claim, 113, n. 1

London Conference of December 18-22, 1921, 161

Lowdon, M., on the permanent seat crisis, 321; on holding an international conference, 351

Luther, Dr., and Locarno, 261, 262, 264-271, *passim;* efforts to get German approval for Locarno, 271-274; and permanent seats controversy, 315

Luxemburg, admitted to League, 101

M

MacDonald, Ramsay, on the Conference of Ambassadors, 156; defends Protocol in Commons, 256, 257-259; vetoes Draft Treaty of Mutual Assistance, 230; significance of his triumph in Britain, 231; and the Geneva Protocol, 236; veto of Draft Treaty

of Mutual Assistance, 241; forced out of office, 244; influence of his ministry on League policies, 386
Malmedy. *See* Eupen and
Mandate Commission, its duties, 24-27; created, 24; composition of, 26; powers of, 26
Mandates, created by Versailles Treaty, 23; nature of, 23-25; and the Council, 24; classes of, 25; and Armenia, 40; a serious problem for the League, 384; the probable influence of Great Britain in, 385
Marka Gjoni, 124
Marx, Herr, liberalism of, 250
Matsui, M., his report on Eupen and Malmedy, 43-47
Mello-Franco, Senhor, 326; in permanent seat controversy, 304, 318; announces Brazil's vote on admission of Germany, 319
Memel, Status of in 1920, 88; acquired by Lithuania, 88-90; Memel Commission, 89; awarded to Poland, 90
Minorities, the Covenant on, 18; early action on, 98
Miller, David Hunter, and the Shotwell Committee, 235; on the Geneva Protocol, 241, 242
Mirdite Republic, 124
Monaco, too small for League membership, 6
Monroe Doctrine, the, not struck out of Covenant, 146
Morgenthau, Henry, 363
Moscow, Treaty of, 72, 80
Mosul, Vilayet, of, the claims to, 278, 279, 280; character of the population, 280; report of Iraq Commission on, 289-291; ceded to Iraq, 298
Motta, M., on the gloomy League outlook, 164; pronounces Briand Aristides the Just, 321; Chairman of Committee on Constitution of the Council, 323
Munir Bey, represent Turkey in Iraq hearing, 297
Murdos, the line of, 280
Mussolini, B., rise to power, 202; and the Corfu Incident, 204, 205, 206, 207, 208, 211; loss in foreign good will by Corfu, 215; relaxes position in 1925, 224; his attitude toward Locarno, 262; announces approval of Pact, 268; at the Locarno Conference, 270; and the Albanian Incident of June, 1927, 382

N

Nansen, Dr., on permanent seats crisis, 321
Nauru, a mandate for, 26
Naval Armaments, the problem of their reduction, 385
Near East Relief, 364
Newspapers, interest in the League, 138
Noli, Bishop Fan, represents Albania, 122-130, *passim*
Non-Permanent Seats. *See* Council
"Northern Epirus," 121
Norway, amendments offered by, in first Assembly, 135; in second Assembly, 146; and conciliation, 147

O

Opium traffic, restriction of, 343; character of the war on, 344; an American fight, 345; origin of the reform, 345; the Shanghai and Hague Conferences, 345; and the Versailles Treaty, 345; early work of the Advisory Committee on, 346; the United States begins to cooperate, 347; the Porter delegation, 347; its "principles," 347; the two Conferences of 1924, 349-351; their difficulties, 351; withdrawal of Porter, 352; recent progress, 352, n. 1

P

Paderewski, Ignace, represents Poland in Lithuanian controversy, 73-75; replaced by Askenazy, 77
Page, Dr. Thomas W., 364
Parmoor, Lord, represents Britain in Iraq hearing, 281

Pashitch, M., yields in Albanian boundary dispute, 128
Peace Conference, starts the League organization, 28
Permanent Advisory Committee on Military Affairs, creation of, 18, 226
Permanent Court of International Justice, 12-15; its creation, 12; its composition, 12; its jurisdiction, 13; "Optional Clauses," 13; advisory opinion of, 13; and the Hague Court of Arbitration, 15; and aggressive war, 16; and the second Council, 36; statute for creating it, 104-109; report of Committee of Jurists, 105; handed to Assembly by Council, 105; statute adopted by Assembly, 106; decision of on matters likely to lead to war, 148; suggested for advisory opinion in Corfu Incident, 217; objections by Italy and France, 218; and the United States, 360-363
"Permanent Seat Handicap," the, 315
Permanent Seats in Council, *See* Council
Plebiscites, failure in case of Eupen and Malmedy, 44-48; *See* Eupen and Malmedy; proposed for Vilna, 77-83
Poincaré, Raymond, replaces Briand, 163; attitude toward Conferences of Cannes and Genoa, 163; ends the Genoa Conference, 164; his Ruhr policy, 169; and separatism in Germany, 170; on League's authority in Corfu Incident, 210
Poland, boundaries of, 69, 73; *See* Polish-Lithuanian controversy; as ally of France, 90; political character of, 110; relations with France, 110; desire for Upper Silesia, 111; on the plebiscite, 112-114; and the Upper Silesian settlement, 117-119; alarmed by Conference in Cannes, 162; and the convention at Locarno, 265; arrival of delegates, 268; and a permanent Council Seat, 306-319, *passim*; given right of re-eligibility to Council seat, 330
Polish-Lithuanian Controversy, origin of, 69-72; desire of Western nations to see harmony, 70; and the struggle against Russia, 71; appealed to the League, 72-76; the Suwalki line, 75; coup d'état of Zeligowski, 76-79; plebiscite suggested for Vilna, 77; hesitation over proposed plebiscite, 79-82; a Civil Commission appointed, 79; its futile position, 81; in the hands of the Brussels Conference, 83; handed over to the Assembly, 86; settlement by Council of Ambassadors, 87; significance of the interference of the League in, 88; controversy not ended, 88; influence of France in, 90
Porter, Stephen G., arrival of his delegation in Genoa, 347; his attitude in the fourth meeting of the Committee, 347-349; retires to his hotel, 348; at the Opium Conference of 1924-1925, 350-352; his conduct criticized, 352
Protocol, the Geneva, the story of the, 235-243; origin of, 235; supported by MacDonald and Herriot, 236; the Shotwell Committee, 236; preparation of, 237; significance of the term, 238; provisions of, 238-243; failure of, 244-247; opposition in Britain, 245; killed by Chamberlain, 246; Benès on its defeat, 248; Chamberlain's course on attacked in Commons, 255; British attitude on, 256; defended by MacDonald, 257-258; in the sixth Assembly, 262; significance of, 373
Publicity of League proceedings, 93, 134
Pueyrrdon, of Argentina, his attempt to change basis of League membership, 95-97; *See also* Argentina

Q

Quiñones de Leon, M., writes reply to Germany, 254; and a permanent seat for Spain, 304, 325

R

Rapallo, Treaty of, 163
Rappard, William E., on nature of the League, 375
Rapporteurs, usefulness of, 36
Rault, M., in the Saar Commission, 174; his character, 175; defended by Hanatoux, 183; examined by Lord Robert Cecil, 183; defends newspaper restrictions, 184; on picketing in Saar strike, 185; on powers of Advisory Council, 185; removal of discussed, 188; resigns from Governing Commission, 191
"Regional Understandings," 146, 241
Reparations, German proposals of 1921, 157; sum fixed in 1921, 158; Germany unable to pay, 159; influence on League's progress, 153; the Reparation Commission, 153, 156; progress of the adjustment of, 156-161; Arnold J. Toynbee on, 156; Conference of Spa, 157; Interallied Commission of experts, 157
Reparation Commission, the, and Austrian finances, 193, 195
Riga, Treaty of, 75, 77
Rockefeller Foundation, 364
Root, Elihu, suggests means of choosing judges of the Permanent Court, 107, 364; and the League to Enforce Peace, 243
Rousseau, Jean Jacques, tribute in the first Assembly, 92
Ruanda, a mandate for, 26
Ruhr, the occupation proposed, 159; occupation carried out, 169
Ruhrort, occupied by Allies, 158
Russia, and the League, 38; proposal to investigate labor in, 38; wins Armenia, 42; and Finland, 52; war against Poland and Lithuania, 71; collapse of the war, 75; and Treaty of Rapallo, 163; at Conference of Genoa, 163; and Germany, 264

S

Saar Basin, and the League, 22; why the League could deal with it, 33; Commission on boundaries of, 35; and the second Council, 36
Saar, the Valley of the, League administration of, 172-191; described, 172; the Governing Commission of, 173, 178; strong French influence in, 174, and *passim;* the report of M. Dariac, 176; the Advisory Council, 176, 178, 179; the adoption of French money, 179; strike of miners in, 179, 185; British protest against Saar situation, 180; investigation ordered by Council, 180; progress of the investigation, 180-189; French schools in, 189; report of the Commission (1927), 368-372
St. Germain, Arms Traffic Convention of, 353; Treaty of and Albania, 121; and Austrian finances, 195
Salandra, and Corfu Incident, 205-220, *passim*
Samoa, a mandate for, 26
San Remo, Conference of, 156
Scialoja, Count, on Græco-Bulgarian Dispute, 223; defends state equality, 323; on the Saar "compromise" of 1927, 370; on the Albanian Incident of June 1927, 383
Secretariat, *See* Secretary-General
Secretary-General, office of, 11; Report on the Work of the Council, 51, 94-99; Secretariat attacked, 141-144; nature of his work, 141; investigation of ordered, 143; report of, 143; communications of with the State Departments, 338-340
"Security Pact," suggested by Stresemann, 255-259; opinion forming on, 259-263; *See* Locarno Pact
Seipel, Monsignor, appeals to League on behalf of Austria, 194, 195
Serbia. *See* Jugoslavia
Shotwell, James T., and the Genoa Protocol, 235, 236
Silesia. *See* Upper Silesia
Smuts, J. C., and the Covenant, 2; and mandates, 23
Snow, Col. William, 364
Social Hygiene Bureau, 364

Socialists, in Finland, 53
South West Africa, a mandate for, 26
Soviets. *See* Russia
Spa, Conference of, 157
Spain, relations with the League, 6; has seat in first Council, 34; demands a permanent seat in the Council, 304-319, *passim;* gave way, 324, 325; gives notice of withdrawal from the League, 325, 330
State Department, United States, and the League, 337-340
States in the League, 91, n. 1, 101
Stephens, Mr., on Saar Commission, 190
Stresemann, becomes Chancellor, 170; and the "war guilt" agitation, 261; his course at Locarno, 264-271, *passim;* efforts to get German approval of Locarno, 271-274; reviews Locarno in London, 274-276; rise to power—follows liberal policy, 250; his dealings with parties, 251; plans to carry Germany into League, 257; conditions asked on joining League, 252-254; suggests "Security Pact," 255-257; and German opinion, 260-262; and permanent seats controversy, 308-319, quiet in the permanent seats controversy, 315; first representative to League Assembly, 328; takes seat, 329; at Thoiry, 332; and Nobel Prize, 334; says League might have prevented war in 1914, 335; in Council meeting, 367; on the situation in the Saar Valley, 369-371; wisdom of his course, 371; on the sessions of the Council, 372
Supreme Allied Council, refers Aaland Islands appeal to League, 54; attempt of to fix Polish boundaries, 71; succeeded by Council of Ambassadors, 87; the fate of Upper Silesia, 111, 114, 118; on the situation in Europe, 155; end of, 155; on Reparations, 151-159; calls on the League in behalf of Austrian finances, 191
Supreme Military Council, its development, 30; and proposed Russian investigation, 39; and Armenia, 41; rejects German appeal on Eupen and Malmedy, 45
Suwalki Line, the, 75, 76, 85
Sweden, amendments offered by in first Assembly, 134; in second Assembly, 146; opposed to permanent seat for Poland, 309; M. Unden's firm position, 314; sacrifices herself for peace, 316-318. *See also* Aaland Islands Controversy
Switzerland, conditions of membership in the League, 6, 39
Syria and Lebanon, mandate for, 25

T

Tchitcherin, and Russo-German relations, 264, 272
Technical Activities of the League, 20, 97
Tellini, General, murder of, 203, 213, 214
Temporary Mixed Commission, 226; initiates Draft Treaty of Mutual Guarantee, 228; on armaments, 18; Reduction of Armaments, to draft convention of traffic in Arms, 355
Ter Meulen Scheme, 191
Tewfik Rouschdy Bey, represents Turkey in Iraq hearing, 291, 293
Thoiry, Conference of Briand and Stresemann at, 332
Tirpitz, Admiral von, opposed to acceptance of Locarno settlement, 272
Tittoni, of Italy, on publicity of proceedings, 94
Togoland, a mandate for, 25
Toynbee, Arnold J., on Reparations, 156
Traffic in Arms and Munitions, 353-360; negotiations on with the United States, 353-355; a Convention on, 355
Transjordania a mandate for, 25
Treaties, registration, failure of amendment of clause about, 145
Tripartite Pact, a pledge of security to France, 227
Turkey, dispute over Iraq boundary,

277-299; stimulates opposition to Emir Feisal, 278

U

Unanimous voting in the Assembly, 145
Unden, M., his firm position on permanent seats, 314; his sacrifice, 316-318
United States of America, fails to join the League, 5; effect of their refusal to join the League, 31; and the Monroe Doctrine, 146; refuses first plan in behalf of Austrian finances, 192; on the use of the economic weapon, 245; and the League, 336-365; the fear of the League, 336; refuses to reply to communications, 336, 337-340; story of a timid minister plenipotentiary, 337; Communications with, 337-340; unofficial observers, 340-344; and Traffic in Women and Children, 342; early unofficial observers, 342, 343; influence of legation of Berne, 343; and the Conference on Customs Formalities, 343; and Opium Control, 344-353; and Traffic in Arms, 353-360; and the St. Germain Convention, 353; Hughes' position, 353-355; invited to Convention on Traffic in Arms, 355; represented at Conference on Disarmament, 356-358; invited to attend Preparatory Commission for Disarmament Conference, 358; invitation accepted, 359; results of the participation, 359; and the Permanent Court, 360-363; Senate resolutions, 361-363; Unofficial Aid to League, 363-365; their earnestness in reform, 364
Upper Silesia, the plebiscite, 110-114; coal and iron deposits of, 111; desired by Poland, 111; arrangement by Versailles Treaty, 111, Interallied Commission on, 111-114; dispute handed to the League, 114; settled by Ishii, 115-117; work of League Commission on, 117-120; Mixed Commission for, 118

V

Vandervelde, on increasing permanent seats in 1926, 309
Venizeles, in first Council, 34; favors Armenia, 41
Versailles Treaty, its provisions for starting the League, 29; and future of Armenia, 42; and Eupen and Malmedy, 43, 46; proposals looking toward revision of, 160, 161, 162; on the Saar Valley, 172
Vilna, contended for by Poland and Lithuania, 71, 72; seized by Zeligowski, 76
Viviani, M., on admission of Lithuania, 102; opposed to admission of Germany in 1920, 104
Voldemar, Professor, represents Lithuania in Polish controversy, 73, 74, and *passim*

W

War, the prevention of, see Disarmament
"War Guilt Clause, the," 252, n. 1, 267
Washington Conference, Bourgeois on, 138
"Water Poles," 112
Waugh, Mr., on Saar situation, 186, 187, 190
Wickersham, George W., 363
Wilson, Woodrow, and the Covenant, 2; "Founder of the League of Nations," 2; to call first meetings of Council and Assembly, 29; calls first Assembly, 48-50; and seat of League, 48; Official attitude of towards the League, 340, 341
Wirth, Herr, and reparations, 159
Women, represented on Mandate Commission, 26
Women and Children, Traffic in, 342
World Court, *see* Permanent Court

Wright, Dr. Hamilton M., and opium restriction, 345
Wright, Mrs. Hamilton M., 350

Y

Young, Professor Allyn A., 364

Z

Zeligowski, General, seizes Vilna, 76; his position in the country, 76-82, 84, n. 1, 85, 86, 87
Zimmerman, Dr. Alfred, and Austrian financial restoration, 199

MAR 3 '64 Fine Pd Date Due

MAR 19 '64

APR 4 '67

MAY 17 1980

FRANKLIN AND MARSHALL COLLEGE
JX1975 .B36 010101 000
Bassett, John Spencer,
The League of Nations; a chapt

0 1114 0039806 6

JX
1975
B36

OLONIAL BOOK SERVI
23 EAST 4th
NEW YORK CITY

O7-APW-893